

CITY OF WARREN  
PLANNING COMMISSION  
PUBLIC HEARING

Regular Meeting held on June 1<sup>st</sup>, 2015 at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, June 1<sup>st</sup>, 2015 at 7:00 p.m. in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners present:

Jocelyn Howard, Chair  
Edna Karpinski  
John Kupiec, Vice Chair  
Jason McClanahan, Secretary  
Charles J. Pryor  
Syed Rob  
Warren Smith, Assistant Secretary  
Nathan Vinson  
Claudette Robinson

Also present:

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

1. CALL TO ORDER  
Chair Howard called the meeting to order at 7:09 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL  
All Commissioners present.  
Chair Howard – We'd like to welcome Commissioner Robinson back. We had her here in 2010 and due to some other issues she wasn't able to serve. So are happy to have her back with the Commission and working with her.

4. APPROVAL OF THE AGENDAMOTION:

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

5. APPROVAL OF THE MINUTES – May 11<sup>th</sup>, 2015MOTION:

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 Ryan Road, approximately 521.96 ft. south of Chicago Road; 31830 Ryan Road; from the present zoning classification R-1-C; One Family Residential District to O, Office District in Section 5; Brian Jilbert (Mohammad Qazi) **TABLED**

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

PETITIONERS PORTION:

Mr. Brian Jilbert – We are back in front of you to hopefully move this project forward. We've met with the community and we have shared some changes on the plans with them and I think that they are fairly happy with it. John Gaber, who represents Ciena is here to further discuss the outcome of that meeting and where we are at with the project today.

Mr. John Gaber – Good evening, I haven't been involved in this process until recently but I've reviewed the minutes of the meetings and such. We realize where we are currently in this stage and I just wanted to bring up the point that this is a rezoning that we are requesting at this point and time. I know that there has been some overlap between the zoning and the site plan review for this particular item. Probably because the applicant came forward with a site plan request initially before we purchased the additional property. When we purchased the additional property it had to be rezoned. That property is a 39 ½ foot strip at the south end of St. Anthony's where there was previously a single family home, now it's

vacant. That property is zoned single family residential currently. The St. Anthony's property is zoned office so that's why we submitted the application for the rezoning to make them consistent to rezone the strip.

So what we've done is submit just a straight rezoning which is what we are requesting and there have been Planning Commission Meetings that have focused on that and the site plan. The neighbors, many of whom are behind us, have also offered a lot of constructive input on the process, the site plan and what their concerns are. They have spoken at these meetings, they've had neighborhood meetings with the applicant and the neighbor's, and I believe they've written you as well. So we appreciate their valid concerns but essentially we think these are site plan issues as opposed to rezoning issues and I'd like to address that.

Most recently we've met with the neighbors on May 20<sup>th</sup> pursuant to the request of the Planning Commission. I believe the primary concerns of the neighbors are a couple of things. With the row of parking that we showed along the eastern edge of the site plan and that's the edge that borders a lot of residential homes in the rear along the eastern edge. When we had a row of parking right there we provided for a very narrow greenbelt with our site plan. That greenbelt required a lot of existing vegetation to be removed and essentially a new row of planting to go in. This was a concern that the neighbors had for a couple of reasons first of all they were concerned about the distance because cars, traffic and people would be very close to their property line, to their backyards because I believe the buffer was only about seven feet under that site plan drawing.

And the second concern of course was removing the existing vegetation along that property line it's very mature, mostly evergreen screening right now that provides a lot of screening from the St. Anthony's property. So we looked at that and tried to figure out what we could do to accommodate these concerns and what we ended up doing was basically coming up with a site plan that eliminated that whole row of parking along the east property line. And what that does is two things number one it allows the preservation of a 25 foot buffer along that property line approximately 25 feet so the distance component is there where all the activity on St. Anthony's will be pushed back away from the neighbors because you have that distance component. Secondly your retaining the existing screening, in that 25 foot strip is where all the existing evergreens and vegetation currently are so that screening will be retained. What we proposed also is along the east property line that screening doesn't

go all the way from the north property line to the south property line because previously there was an existing stand of trees and such in the middle of the property in the back so those scrubs and trees weren't put in along the southern area of the east property line. So what we propose to do in that site plan is to basically put those plantings in to mirror what's on the north side of that property line so that will be vegetation that grows together.

We were kind of concerned because given what Ciena's needs are for parking at peak times we think we are going to be stretched here but we are willing to make that concession to the neighbors. At our last meeting on the 20<sup>th</sup> we showed them that site plan and went through it, we gave them a copy of the site plan and if our rezoning is approved from residential to office we are committing to bring that site plan forward at the site plan stage, which is really step two in this process. Step one is the rezoning of just that southerly strip and step two will be the site plan stage for the expansion of the entire St. Anthony's facility. We are in front of you today to ask for a positive recommendation for straight rezoning to office and we think that rezoning is justified for a couple of reasons.

First of all the use of the property on Ryan Road in that stretch from Chicago to 13 Mile on the east side there has changed from the 1966 Master Plan where it was provided to be low density residential. Since that point in time even the zoning map has changed to reflect commercial uses, offices, and multi-family uses along that corridor. But in actuality the change has been much greater. In the letter I submitted to you dated May 27<sup>th</sup> there was an attachment to that letter that reflects what the current uses are. And if you look down that corridor from the north to the south you basically have a shopping plaza, you have St. Anthony's, you have the 40 foot strip to be rezoned, there's a church, there's a multi-family very narrow development, there's another church, there's a Charter High School, there's a bank and then there's a U-Haul rental facility. So if you look at all those uses you can see that there are no long single family uses within that stretch which is why we believe that this property should be rezoned because the character of that corridor has changed based on the actual development.

The other reason we believe the rezoning is appropriate is because really we don't believe there will be any objectionable uses of that strip. As you know when you are looking at a straight rezoning analysis you try and focus on all the potential uses of the property under the new district that it's going to be rezoned to. So if you look at that new classification and you look at what's permitted under your ordinance for office uses the principle permitted uses are really

relegated to offices, hospitals, convalescent homes, medical clinics, publicly owned buildings, and accessory uses. And this property to be rezoned is only about a 40 foot wide strip. It's an unbuildable lot currently as it sits so it can only be used in conjunction with the St. Anthony's site for one of these permissible uses in the office district. So when you view these potential permitted uses on this narrow strip to be used together in connection with the St. Anthony's site the potential uses for this strip area to be rezoned are very limited and we don't think that there's anything in that list that could be put up that's objectionable to the City or to the neighbors when you look at those severe constraints placed on this site.

I wanted to bring your attention or remind you that the staff report recommended approval of the rezoning to office as well. It noted that the property is now spot zoned for residential since there are no other residential uses there. It's non-compliant because you have a 60 foot minimum width requirement for residential dwellings in your ordinance. The property is located between a nursing home and a church. The staff report goes on to say that the proposed rezoning meets the standards of both the 1966 master and the 1989 policies plan.

One final comment I'd like to make is with regard to the issue that came up previously, I think it was the last meeting and probably the meeting before, about why not make this a conditional rezoning as opposed to a straight rezoning. We looked at that question and we did not think that was proper and appropriate in this circumstance. The reasons are because only the 40 foot strip is proposed to be rezoned so we really don't think it's fair to burden or encumber the entire St. Anthony's property for the rezoning of that 40 foot strip. Secondly tying a conditional rezoning to a site plan we think is much too restrictive. Because if there are any subsequent minor amendments that we want to make we would have to go back through the rezoning process as opposed to the site plan process that you have in your ordinances. Also I want to reiterate that we are committing if we get the rezoning approved to submit the site plan which preserves the buffers that I talked about earlier in this presentation. As we've represented to our neighbors in our meeting that is what we will be submitting. Not speaking for them I'm sure that doesn't address all their concerns but we think that addresses the primary concerns. So with that we request your favorable consideration for a recommendation for rezoning this evening.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

Mr. Ron Wuerth reads the recommendation of the Staff:

Chair Howard – We've had two public hearings regarding this particular item so I'm going to turn it over to the Commission for a decision and discussion.

MOTION:

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

COMMISSIONERS PORTION:

Commissioner Robinson – I have a question as to what type of office facilities are they going to have there?

Mr. Brian Jilbert – We are not adding an office it's just zoned office we will be expanding the existing skill nursing center towards that way. The additional 39 feet will be used as a service drive and parking for fire and emergency service vehicles as well as the resident visitor parking.

Chair Howard – Vice Chair Kupiec in your motion was that a motion to approve or disprove sir?

Vice Chair Kupiec – A motion to approve.

Assistant Secretary Smith – Yes to approve.

Chair Howard – First of all let me applaud you for your conversation with the neighbors. I appreciate your diligence in having conversation with them and more importantly sir I appreciate your willingness to work with them. I believe one of the major concerns that we had was in regard to that berm that was there that was separating and also the lights shining into the neighbor's home. We do understand that we are working with two separate entities here we have a rezoning request and then you'll be coming back before us with a site plan approval by which we will have another discussion regarding what you will be putting there on the property.

In your statement and also in your three page letter to this Commission. I'd like to read something that you indicated that I thought was very helpful and also very amenable to this situation. You stated St. Anthony's would be too close to the neighbor's home

with a row of parking along the eastern property line. We eliminated this row of parking contrary to our best judgment about the number of parking spaces needed to serve the facility. This provision will preserve the existing landscape buffer approximately 25 feet in width and the screening provides the mature green evergreen trees. Similar trees will be planted along the southern end of this greenbelt where they don't currently exist to match the northern end. I think that's very admirable of you to work with the neighbor's in this condition thank you so much for that. With that I'll turn it over for a vote. That was a motion by Vice Chair Kupiec supported by Assistant Secretary Smith for just a rezoning request.

ROLL CALL:

The motion carried unanimously as follows:

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

- B. SPECIAL LAND USE PERMIT AND SITE PLAN APPROVAL FOR EXPANSION OF USED CAR FACILITY; Located on the north side of Eight Mile Road between Albany and Syracuse Avenues; 5785 Eight Mile Road; Section 32; Majed Marogy (Kerm Billette). **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. Kerm Billette – I'm here tonight with the petitioners to request the Planning Commission approve the site plan for the used car lot. It's been to sessions with the Board of Appeals for awhile now, the last time was this past week and they had three items that were still hanging from the last time.

The Board of Appeals approved the entire request for variances we still have the recommendations from Mr. Wuerth that I frankly don't think that we can live with. One of the recommendations is that the

landscape planting strip measure five (5) feet wide be provided all the way around the property. The Board of Appeals approved the fence to the property line all the way around and a wall on the property line and now we have a landscape area inside the fence set back five feet with a curb that I don't think the petitioner would necessarily want because it takes away about 18 or 19 cars. We would request that the Planning Commission table this item so that we can go back to the Board of Appeals and see if we can get a request for variance from the Board of Appeals that would reduce the five (5) foot planting strip around the property to equal the one foot setback that's provided already with a fence.

**MOTION:**

A motion was made by Secretary McClanahan to table until July 20, 2015, supported by Commissioner Rob. A voice vote was taken and the motion carried unanimously.

- C. **ALLEY VACATION:** Located west of Mound Road; approximately 165 ft. north of Hayden Street; 21083 Mound Road; Section 32; Alqush, LLC (Lukas Koja). **TABLED**

**MOTION:**

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

**PETITIONERS PORTION:**

Mr. Lukas Koja – I'm trying to vacate our lot so we want to close the public alley we did the application last time but I guess we did it wrong.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

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

An existing 15" diameter sanitary sewer and overhead electrical utilities are present in the subject alley. A full width utility easement shall be retained over the subject alley for the existing underground and overhead public utilities.

**DTE:** Approved.

Ms. Michelle Katopodes reads the recommendation of the Staff:

PUBLIC HEARING:

Ms. Kim Frantz – I live across the street from this car lot. I'm not sure that this is a car lot it tends to primarily open at night and stays open until midnight. They've got big industrial lights that shine in my front window half the night. I have pictures of their cars and half of them do not have license plates. From what I understand the wall should have been up a year ago.

Chair Howard – I think you are speaking of the item before this and that was tabled, are you speaking about the alley vacation?

Ms. Kim Frantz – Yes.

Secretary McClanahan – That's the item we just discussed this item is completely different.

Mr. Ron Wuerth – The woman from the audience is correct. This isn't the one that is on Eight Mile this is on Mound and they received site plan approval about a year and a half ago to do this for rental vehicles. In this case they are gradually changing their plan and site as they move along. They want to have control over the middle part of this. You don't see it in the current status of the application it wasn't put in there and I apologize for that it should have been put in so that you would have been familiar with the site itself. So basically all they are trying to do is get control of an alley that's unused by the public that runs through the middle of their site. It starts at Hayden which is where Tandem Credit Union is located to their south and they've already gotten their part enclosed and then they want to continue through their property as it runs north.

Chair Howard – Thank you so much Mr. Wuerth.

Ms. Vicki Mallette – I live at 21281 Albany I have spoke with neighbor's many times I don't exactly see everything that they see. Over two years ago we started with this and we weren't happy with what was going on so we started coming to the different meetings. There are minutes that two years ago there was supposed to be a wall put up, new fencing put up, he was limited to how many cars he could have and what he was supposed to be doing. Unfortunately, from the neighbor's who live there and have to tolerate, that he hasn't done what he was supposed to. That's why the neighbor's are here they want some help with what they have to live with and have to see.

Chair Howard – Please finish your comments I apologize.

Ms. Kim Franz – I did finish my comments thank you.

Chair Howard – Okay I wanted to make sure that you were able to speak everything that you wanted to share with us.

Ms. Marlene Peters – I live across the street I see pretty much what Kim sees, I see the lights and I see all the garbage. They have car chassis on top of red storage boxes, there's cars in good condition and there's cars in not so good conditions. April 24<sup>th</sup> at 4:34 in the afternoon I had a barbeque with all of my family over and all we could smell was paint fumes. I've had enough, they will not comply with everything set forth for the last two years. They continually just blow off everybody whether it's the police telling them it's time to shut down its 11:00 o'clock they just don't care.

So now they want to take over an alley if you look in the pictures they already have there are storage boxes where the alley is. So they can't even put cars there yet because they have junk there. They have couches sitting in the back of either lot and they have dumpsters that are bigger than a semi-truck. We have rats running through they go right under the dumpsters I don't know how they sell cars the rats have to be chewing up stuff. We can't let our animals out because of the rat, and we can't sit in our backyards, it's enough. They don't care about us and we don't want them, they are not a good business. So please think about it before you give them access.

Mr. Michael Mallette – We all looked forward to having the area development the isolation of the industrial area around there is important to us we don't have houses across the street we have industrial property. A good percentage of the street has a wall on it, the only wall on my end happens to be the vines and stuff that grow on the fence. I live down the street from here. We were looking forward to the initial site plan to have a greenbelt built across there along with a wall to isolate the area. The other improvements were going to be parking areas and paved sections of the property so that they could run a repair service and hopefully get into selling cars. I don't see anything on that site plan that's been enabled yet. The alley that's going to be vacated doesn't need to be vacated because there's a lot of shipping container size of pods covering the alley, I think the photograph probably shows them.

I'm not sure what the business does they supposedly repair cars I see very little repairs I see a lot of cars there. I'm a little reluctant to trust a company that won't even take the former name of the building and put something else up there. So I'm not sure where the

business comes from or what it entails. I've spent years working in a body shop I kind of know what goes on in one, but I'm not sure what goes on in here. Nevertheless, our hope was that the area would be improved and become something less than an eyesore, but that hasn't seemed too developed since the initial planning done. I would recommend a firm plan or some form of mandated action to enable what was originally agreed up or at least some improvements that take us in that direction.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – I was by the lot the other day and I was looking in the back of the building I pulled into the building next door and I didn't see all the cars at that time that the lady had in her pictures but it looks like the alley is kind of sectioned off already in your property. I went around to Hayden to look from the other end it's not like there's a straight access into your property. Somebody's got a building in the easement area and a little bit further down that's in the easement where the poles are at where the alley was, but that doesn't deal with your property. As far as the things that the neighbor's are talking about the wall and the greenbelt I wasn't familiar with that so I don't know what the situation was on that, on the original site plan, can you enlighten me on that?

Mr. Essa Kojic – I've been there for two years and just never had a chance to explain to you after I got tabled twice. I bought the building without knowing that I needed to do all this. They told me I had to apply so I applied and when it was my turn they said you have to wait it's a moratorium. So I waited six months and they extended three more months and then another three months so a total of one year of moratorium. In the meantime I applied for a 20 car rental, mechanic and collision to repair so when I applied they approved me I had to do the six steps. When I started this I was 26 now I'm 29 and I still haven't got approved. Every time I come here the neighbors are here complaining, when I bought the place it was junk. You couldn't breathe in there he had a wood burning stove to heat up the place now I pay over \$1000.00 a month to heat it. I spend over \$90,000.00 dollars inside the building to repair it, now it's time to repair the outside.

My lawyer and the people that I'm working with are telling me to wait and not to spend any more money until I get approved so I stopped. I did apply to put a wall because it's cheaper for my insurance if I get

approved for a used car lot or any business it's cheaper if there is a wall instead of a fence so they can't break, I did get approved. A week later they came to me and said they don't want a wall we don't to open our door and see a wall we want greens. I said fine but if the City tells me to do a wall I have to put a wall. I had a call two weeks ago that there were containers in the alley they were there for 50 years I moved them now I have a 40 foot container for all the garbage that they are telling me to move so I'm still in the process of cleaning. I applied for a certificate of occupancy and this is one of the reasons why I cannot finish it because of the alley. I can bring you a DTE bill to see how much I spent on the lights that I installed. After they complained I never turned them on. The owner of Credit Union Bank is my friend I could ask her for a loan to build the outside, which is the parking lot, the wall and the garbage other than that people won't give me money.

Last week a FBI Agent works at City of Warren and he was in my shop to buy a car for his wife he seen it on EBay. I work on Six Mile and Telegraph at Infinity Motor Group he seen my car on EBay and he came and bought one. I'm not selling cars there I'm fixing my own cars there. I can't put a name up there yet like they want it's legal because I'm not open for the public. I like to sell good cars to people I can give you my EBay ID and you can see how people talk about me and how they review me. 100% positive feedback most of them are out of state because they are all expensive cars and people here can't afford to pay cash.

Assistant Secretary Smith – How many cars do you normally have there at a certain period of time?

Mr. Essa Koja – Outside there are between 10 to 15, I'm not sure 100%.

Assistant Secretary Smith – And you also repair the cars there also?

Mr. Essa Koja – They are all my cars not customers.

Assistant Secretary Smith – If everything goes through are you going to have more cars there and you are going to have repairs on all the cars, what exactly are you trying to do with the site plan project?

Mr. Essa Koja – When I bought the building the building had a big lot so I thought it could be a used car lot. When I went to Lynne Martin and asked if this address could become a used car lot, so I would know before I bought it, she said give me the square footage it has to be minimum 40,000 square feet. I brought her the blueprints she

said they were too old they were expired this company is closed. I did another blueprint to find out the size and it was 43,000 square feet she said if you are over 40,000 and 700 feet away from another used car lot then yes, so I bought it.

Assistant Secretary Smith – Mr. Wuerth what is your recommendation on this situation as far as the business are they within the 700 feet of the other used car lot?

Mr. Ron Wuerth – I'd have to check on that. Let me just say this the reason that we are here is that they want to vacate the alley that runs through the middle of their property. We are not here to evaluate their site plan we could be here to evaluate the condition of the site though. There could be a tabling and I could update the findings so that you can better see what the site plan was about if you need history on that. But we will still go back to the same issue here that this is an alley vacation that's what they are here for. They are trying to close the alley so that the public no longer has a right to go through their property and right now the public does have a right to go on that property.

Commissioner Rob – Can you explain is it already approved from City Council or is it going to City Council for approval?

Mr. Ron Wuerth – It has to be approved by City Council.

Commissioner Rob – So originally there's a site plan we are just amending that one?

Mr. Ron Wuerth – They have a site plan that shows property on both sides of this alley that runs through it, they own both sides. What they want to do is now make that alley part of their property so that they can do a property combination. We would want all the property combined into one and then they can continue with their site plan that he's been working on ever since he got approval.

Commissioner Rob – And when was original site plan approved?

Mr. Ron Wuerth – He says March 2013.

Commissioner Rob – So it hasn't expired yet?

Mr. Ron Wuerth – No it hasn't because it's been initiated, which means that they've given us a bond and we moved the site plans forward to the building division so that they know that this work is going to be done it's for them to get a permit. Once that's done then

the site plan gets extended out for them to have time to do the work, that's the typical procedure here. I'm working with dates that I'm unsure of and I don't have the file here so I don't want to make misstatements here.

Commissioner Rob – I personally feel that it should be tabled so we can look at the old findings.

Mr. Essa Koja – Just one more thing to say. They want me to close this alley. When I went the first time they said you don't need to, it doesn't make sense if you close it you own both sides so you don't need to. Again I don't know I bought the piece of property and if I would have known I had to do all this I would have bought something ready and move forward. So if it needs to be closed then I'll close it if not I will not close it.

Mr. Ron Wuerth – When he said the city wants him to do that it's the Zoning Board of Appeals that actually made it a requirement. So again we will have to update the finding and show what ZBA did at the time and I do recall that they're the ones who mentioned that this was one of the conditions of their approval.

Chair Howard – I agree with you Commissioner Rob, and Mr. Wuerth you've been kind as to share that, we did not have all of the findings. Now that this discussion has gone forward I do remember your particular item a couple of years ago. I'm trying to remember the dates when we did have a moratorium on used car lots and how long that was in limbo. I understand your concerns you were held in a holding pattern and also with the neighbors sharing what things are going on the lot.

What I'd like to do sir is two things, I want to give you another date to come back so we can have our findings because we do want to update the site. If it's part of your condition from Zoning that you close the alley then we can move forward because that's one of the conditions of your site plan approval. Also we can address the neighbor's concerns as well and to make sure that what you put in your site plan and what type of business that you have that you are in compliance with that. Are you happy with that?

Mr. Essa Koja – Yes.

Commissioner Rob – I just want to clarify to the petitioner we are not saying no to you it's just we don't have enough information right now, at this moment. So we want to review all of the findings to be sure.

Chair Howard – So let’s table until June 22, 2015 come back and Mr. Wuerth in turn will update our records so we will have all the findings from the Zoning Board of Appeals. We will be able to go forward based on the vacation of the alley and we will also be able to address in your site plan any of the concerns from the neighbor’s going forward. That was a motion initially by Assistant Secretary Smith and supported by Commissioner Pryor are you in agreement to tabling this until June 22, 2015?

Assistant Secretary Smith – Yes I agree.

Commissioner Pryor – Yes.

ROLL CALL:

The motion carried unanimously as follows:

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

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

MOTION:

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

PETITIONERS PORTION:

Mr. Tim Storey – This is regarding 24649 Mound as you know it was tabled last time to give us time to obtain a certificate of compliance from the Building Division. We discovered that we cannot get that until after we’ve been approved for the site plan and the special land use and variances that we are getting separately. So it’s premature

to produce a certificate of compliance because it's not possible they won't issue it until after we've been approved through this Commission.

I'll just go through and address the items from the letter I received from you. First item that I see on the second page is the outdoor storage and materials vital to the business as observed during the site inspection should be indicated on the site plan. They don't typically have materials stored at the back of the building any materials that were out back at that time had been removed. The only storage that is being proposed here is for the trailers, that's it. There is a trash enclosure at the rear and we were looking at the possibility of adding another outdoor storage enclosure for some plastic containers that the owner Mr. Wojtuniecki gets soap in that he uses to wash the trucks. He was going to store those out there but he's decided to just store them inside the building so he won't be needing any outdoor storage other than the trailers. And those notes have been added to the site plan to clarify that I also submitted a letter to the Planning Department.

The next item was about the trash enclosure, again on the trash enclosure we do have a trash enclosure I investigated it we thought at the time previously that it met all the requirements but I realized it did not it does not have an 8 foot concrete apron in front of it, other than that I believe it meets all the City's requirements. It's slightly larger than the minimum requirement and it is has the concrete walls with the wooden gates. We just need to add the concrete apron in front of it which we will do.

The next thing was that we needed several variances which is true. We were at the meeting last month with the ZBA and we were also tabled there for other reasons. We are back with the ZBA next week, on the 10<sup>th</sup>. We discovered that there is other variance that we didn't realize that we needed and that was for the outdoor trailer for parking on gravel. The calculation on the ordinance the way I interpreted it was that we could use half of our building but it said no you can only use half of your use within the building. Because he only uses half of the building roughly we are now limited to only a ¼ of the building so we are going to ask for a variance to use half the building not just a ¼ of the building. Besides Mr. Wojtuniecki business which is the freight, the other business the Air-Soft they don't have any outdoor storage needs. Hopefully we'll be successful with that variance next week with the ZBA. The other two variances are as stated and we applied for those we should find out about those next week.

We understand there's a cash bond required and that City Council approval is required. We had met with Engineering several months ago before we even submitted it through our site plan with them we were both comfortable with the storm water detention that we were showing. They had agreed that they would consider it and we understand that if we get site plan approval and we get our special land use we still have to go back and satisfy whatever Engineering requirements will be which we know will be the storm water detention. So we are hopeful that we'll be successful I have calculated that we are providing the volume that's required so if they require some variation of that or something extra we will provide it.

They also had a comment that obviously if we do any work within the Macomb County right-of-way, which is Mound Road, that we would need their approval and we understand that. We are not currently proposing any work there so we don't really see that as an issue but if for some reason it is required we will get that permit.

Regarding the fire department they had a number of comments most of these had to do with the building code and since then my client has brought an Architect on board to deal with the building code issues. I'm a Civil Engineer so I don't deal with the building itself as much so the Architect will go through all those comments. I've spoken with the fire department several times about the comments and the Architect that was hired and they are working on that and we understand that we have to meet all those requirements from the fire department. They do have a fire suppression system in the building, they need to confirm that it meets the current code.

Maintain existing fire department access roads. We have the roads both on the north and south side and I spoke with the Fire Marshall and they said the way the comment is written it said simply maintain existing so he was not saying that there was a problem with it just to maintain the existing. And so we have one on the north side and the south side and we are going to maintain those so we don't see an issue with that. I think that they already have a Knox box but if we need to provide one we will do that as well.

Secretary McClanahan reads the correspondence as follows:

**TAXES:** No Delinquent Taxes.

**ENGINEERING:** Preliminary review of this site has yielded the following comments from the Engineering Division:

1. The previously approved site plan required a detention facility on the west side of the site. The detention pond was filled in without acquiring the necessary permits and approvals. Detention will be

Mary Clark CER-6819  
June 1<sup>st</sup>, 2015

required for this site and all drainage shall be maintained within this development.

2. The perimeter of the pavement area requires concrete curb and gutter.
3. Sidewalks or access paths adjacent to parking spaces should be 7' wide to allow for 2' of vehicle overhang.
4. It is recommended that the trash enclosure be adjacent to hard surface pavement and not the proposed gravel surface as currently shown.
5. Maneuvering lanes on both the north and south side of the building do not meet ordinance requirements for two-way traffic and the southern access drive is further restricted by the location of existing utility pole. The northern drive will not have access to the rear parking area under the current proposal restricting site traffic circulation.
6. The southerly drive approach appears to have been altered since the original construction. The revised approach shall be approved by the Macomb County Department of Roads and the sidewalk across the drive approach shall be constructed to City of Warren standards.
7. Any improvements within the Mound Road right-of-way shall be subject to the approval of the Macomb County Department of Roads (MCDR).
8. The plans shall bear an original signature and seal from the licensed professional responsible for the work.

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

1. Must meet the requirements of the 2012 Edition of the Michigan Building Code, specifically section 411, "Special Amusement Buildings".
2. Special Amusement Buildings must be equipped throughout with an automatic sprinkler system in accordance with NFPA13. Fire Department Connection threads shall be National Standard type and a fire hydrant shall be provided within 150 feet of the Fire Department Connection
3. Provide fire alarm system as required by code.
4. Maintain existing Fire Department access roads. Fire apparatus access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.
5. Provide Fire Department lock box (Knox Box) as required by local ordinance.

**DTE:** Approved.

**ZONING:** In order for the Zoning Board of Appeals to accept this application for Certificate of Compliance, scheduled inspections and issue a Certificated this address will need the Special Land Use permit approved by the Planning Commission and then the City

Council. Prior to that being issued we cannot allow him to operate this business.

PUBLIC HEARING:

Mr. Tom Wells – I live at 24634 Blackmar, again you're being asked to approve things that have already been proposed to this body in the previous years and have been denied. I noticed that the Secretary just said that without these things being met he cannot operate his business but of course it is up and operating. He's asking to be able to park his trailers on the gravel when that gravel area extended behind his original property line was considered it was to be employee parking not commercial vehicles. It's slightly confusing to me that I don't understand that he's before your Board and the Board of the Appeals at the same time it's just confusing.

Again, just addressing the trailer parking, the retention pond as you mentioned was filled in nobody new anything about it. When they originally started the project for extending the parking lot back into the field it happened where the construction equipment was dropped off on a Friday afternoon and work began on a Saturday. Gilbert Trucking worked Saturday and Sunday that was on August 4<sup>th</sup>, of 2012. When I went to City Hall on Monday, August 6<sup>th</sup>, nobody knew anything. There were no permits, everybody up there assured me no he can't be working he doesn't have any permits.

So again, like I said we sort of have a history he's asking for things that he's already doing that have been denied and when they bulldozed the field they actually created some ponds and during the past few days of wet weather there's standing water out there, which at some point could be considered a mosquito breeding ground. We were told that there would be a material put on the fence that's not there, there was a greenbelt that the Planning Department asked for that's not there, as a matter of fact only is it not there they actually knocked down trees and vegetation that were in the field not on the property that is presently graveled and used for parking.

It is just frustrating that we are being asked again to take care of things that were already denied. I don't have any idea what's going on in the gentleman's building, the Air-Soft thing. The last time there was someone here that apparently is operating that part of the business he claimed that he was training Detroit Police Officer's I actually wonder what that's for because there's no signs. It doesn't seem to be open to the public and who are we training in there, I don't know if the Warren Police are being trained. These are just my questions thank you for your time.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – Is this two separate motions?

Chair Howard – Thank you so much this is going to be a two part approval or two part denial. The first part would be Special Land Use approval and then the second would be Site Plan approval. The first motion would be the Special Land approval.

Commissioner Pryor – I was over there and visited this place and I visited the Air-Soft place. They are up in action there they have about 25 people at one time in there. It's dark in there and they are shooting something similar to paintballs at each other. Occasionally they have the police in there but it's not for the police it's for a walk in trade. My concern is when I look at the parking lot that's there and I can't see how they can conveniently handle I'd say 25 cars so it doesn't seem like a good parking place for the Air-Soft to begin with. Now I didn't go back and see what was in the back and I don't know whether I'm speaking about the proper parking of this or not. But I was concerned that they are operating without approval and that's what I feel.

Chair Howard – Mr. Storey will you come forward please sir? Commissioner Pryor is concerned regarding your parking and also regarding your ability to actually operate a business.

Commissioner Pryor – Do you have some comment on my concerns, I don't think they had a permit to be operating at that time.

Mr. Tim Storey – There was a misunderstanding on what they were allowed to do. They had a certificate of occupancy from a couple years ago where they believed they had permission to do what they are doing. Apparently the building department thought that they were doing private practice training for police departments, where in reality they were doing that. But they were also open to the public where you could arrange for say a group of 10 individuals to come and participate in a game with 10 other individuals. So that's the public aspect of it where it's open to the public. They didn't realize that was not allowed that's why we are here to try and make everything right so that they can continue to operate.

Regarding the parking we have proposed parking in the rear stripped out for them to use. They have a lot of youngsters that don't drive who use it typically so they don't have issues with a lot of parking. They only have about 20 people there at a time and usually they car pool with four or five kids in a car with parents so they don't need that much parking. However, we are providing as the calculations for the parking on the site plan indicate we are providing not only the parking in the front but also the parking in the rear. The hours of operation do not overlap with the other uses at the property. They are only operating in the evenings and on the weekends where the trucking operation is closed at that time so there's adequate parking.

Commissioner Pryor – My impression was when I talked to the people there they were unaware that they didn't have the proper permits like you said and I guess they are going to try and get them, but at this time I don't think they have them.

Mr. Tim Storey – That's correct but we cannot get that until we get this approval.

Secretary McClanahan – Ms. Chair I got a letter from the Building Division that I'd like to read. In order for the Zoning Bureau to accept his application for a Certificate of Compliance, schedule inspections and issue a Certificate this address will need the Special Land Use permit approved by the Planning Commission and then the City Council. Prior to that being issued we cannot allow him to operate this business. It's from Lynne Martin, Chief Zoning Inspector.

Commissioner Rob – We have two separate businesses here, so is the trucking business just storing those trailers or does he have any affiliation with this trucking business?

Mr. Tim Storey – The trailers are stored there, it's a freight hauling business. They haul freight for various different companies throughout the Midwest and beyond that even, he's been to Florida and many other States. The way that this business operates and the way that most of these trucking operations work is that, those businesses they are hauling freight for do not have room for their trailers or it's not a part of their operation to have storage of trailers on their property. So what happens is the trailers are stored here a truck will come pick up a trailer and leave and then go pick up freight deliver the freight bring back the empty trailer and drop it off that's my understanding. So they are storing the trailers as a part of his business the trailers are in good shape, they are on the road and they are just cycling through and that's how the business operates. I

haven't seen a lot of tractors out there I'm sure that there's a few it's mostly just trailers. I think there is maintenance that they do inside and some storage that they do inside.

Commissioner Rob – So there will be a heavily use of trucks getting in and out?

Mr. Tim Storey – I don't know what the frequency of the trucks that are coming.

Commissioner Rob – My concern is if there's a parking there will that parking structure be equipped or strong enough to support that much of heavy transactions going around?

Mr. Tim Storey – Yes the pavement has been there in place for years and he's been using it for years. The trucking operation preexist the Air-Soft gaming and he's been operating for many years so you can look at the pavement it's in good condition. It was an industrial site previously so the pavement that was installed there was heavy duty so it's not an issue.

Vice Chair Kupiec – I understand we are going to vote on two separate issues, one is the Land Use approval and the other is the Gaming Operation. I would like to see the Special Land Use move ahead and get City Council's decision, but on the Gaming Operation Mr. Storey is really not answering my questions or some of the questions he has himself because they are another department, another manager, another Architect, somebody else beyond his capacity.

Mr. Tim Storey – What are the questions?

Vice Chair Kupiec – You yourself said that some of the things that you have an Architect on and you're not an Architect.

Mr. Tim Storey – Yes that's for the fire code.

Vice Chair Kupiec – The thing is this Air-Soft operation has been going on for some time three or four years without a Certificate of Operations per the owners admissions, last time he was before us. Now you're back to us saying you need our approval to get a Certificate of Operations.

Mr. Tim Storey – He had a Certificate of Operations it was just for a slightly different business type of operation, he has a Certificate of Operation.

Vice Chair Kupiec – Well is that really a Certificate of Operations and was it in his name?

Mr. Tim Storey – It was in the previous owners name and I don't believe they ever transferred it to his name.

Vice Chair Kupiec – I don't even know if they are transferrable, I don't think they are. He should have a Certificate of Operation with his own business name.

Mr. Tim Storey – Mr. Wojtuniecki said they did transfer it.

Vice Chair Kupiec – And also we've heard some opinions of a neighbor and I can remember going back some time when the same condition arose where they backfilled that marsh area.

Mr. Tim Storey – That was done before Mr. Wojtuniecki owned the property that was done by the previous owner and contractor. Mr. Wojtuniecki was not aware that there was even a detention pond there and there was an issue. Once we found out about we got into discussion with the Engineering Department.

Vice Chair Kupiec – How did you find out about it?

Mr. Tim Storey – I found out when I reviewed the site plan and then went and spoke with the Engineering Department.

Vice Chair Kupiec – When Mr. Wojtuniecki bought the property did he do a due diligence on it to determine anything?

Mr. Tim Storey – I wasn't involved at that time.

Vice Chair Kupiec – Here again there's unanswered questions here that I think need to be resolved, but I would like to see you move forward with the Land Use Permit to move onto City Council.

Chair Howard – I think some of the quandary that we have as the Commission is twofold. This gentleman has been operating this business as you indicated for nine years and as far as the trucking business we do have approval there. As far as the Air-Soft Gaming facility two to three years ago that business was approved he came in at the last meeting very emphatic that business had a Certificate of Compliance when asked to go back and produce that I knew that the site plan had been expired and that it doesn't transfer. What he indicated what he was going to do is not what he was doing. I know

some things weren't transferable therefore I asked Mr. Wuerth was there Certificate of Compliance and there was not. That means that site plan never went forth, none of the conditions were ever met that's why you're back here today.

Mr. Tim Storey – I saw a Certificate of Compliance in the previous Air-Soft business owners name, I don't believe I personally seen one in the current owners name but Mr. Wojtunicki assures me that he has one so if he could produce that it would prove that he had one. In any event they did have approval to do Air-Soft Gaming at that building and they had a Certificate of Operations regardless of whose name it was in.

Chair Howard – And from the time that it was approved until the close out of the site plan in March of 2015 nothing was done with that. That was approved two years prior it was closed out in March of 2015.

Mr. Tim Storey – When you say nothing was done with that are you saying with the Building Department?

Chair Howard – Nothing was done in terms of the site plan for the Gaming Facility.

Mr. Tim Storey – With what department?

Chair Howard – Let me just read this. On May 11<sup>th</sup>, 2015 the Planning Commission closed out the Special Land Use permit for recreational plastic pellet gun gaming facility because the petitioner never provided the revised site plans, a combined survey plans, changes to a lease on property to the west side, and City Council approval of the Special Lane Use. The proposed plans expired on March 25, 2015.

Mr. Tim Storey – My understanding is that the owner of the property or the business owner was not aware that he needed to do anything.

Chair Howard – That may be the case sir. This gentleman seemingly has been in business for a number of years and those things are concerning to me. This is what we have sir, in my opinion I believe we have three issues. We have the Special Land Use, the parking for the semi trucks and also the Air-Soft Gaming facility. I'm inclined to deny the Air-Soft Gaming facility and to approve the Special Land Use and the semi-truck parking, that's my inclination. I will turn it over to the Commission for action we will vote on it in

three parts. Mr. Wuerth can I divide this up sir because these seem like two separate businesses to me?

Mr. Wuerth – There are two things that are here together the Air-Soft Gaming facility is the Special Land Use.

Chair Howard – It is not the semi truck?

Mr. Wuerth – No, it has nothing to do with the semi-trucks it's in the facility there. What you have is first it's the use that they want approved and that use is the Air-Soft Gaming facility that's what the first parts about. The second part is approved by City Council. Now the site plan, if you read this correctly, the site plan is approved by the Planning Commission and it's subject to the Special Land Use approval by City Council that's how it read

Chair Howard – So the semi-truck parking is not attached to the Special Land Use it is definitely just the site plan?

Mr. Ron Wuerth – That's correct, so there are two separate issues. You've got the use approval and then you've got the site plan approval. Use approval is City Council, but your recommendation is needed to City Council on that whether you recommend it being approved or not.

Chair Howard – I'm inclined to see what City Council has to decide on this Special Land Use before we approve it. This has gone on entirely to long with opening and closing, the change of partners this is a little too confusing.

Secretary McClanahan – This letter is from Thomas M. Turmel his address is 24462 Blackmar Avenue.

I am writing to you to express my support for Mr. Wojtuniecki's request for the two variances noted above as well as the Special Land Use request and Site Plan Approval request. Mr. Wojtuniecki has proved to be a good neighbor and we appreciate his efforts in maintaining his property in good condition. I have no objection to the proposed storage of trailers on a gravel surface at the rear of his property as they do not constitute a nuisance for us in any way. The use of the property since Mr. Wojtuniecki has owned it has been an improvement over the previous owner and is much preferred to several of the other properties in the area. We would also like to note that the proposed Air-Soft Gaming use is a constructive use of otherwise vacant industrial space that enhances our community by providing an opportunity for patrons to experience and enjoy a

Mary Clark CER-6819  
June 1<sup>st</sup>, 2015

recreational activity that many communities do not have available to them. I urge you to vote in favor of Mr. Wojtuniec's request. Thomas M. Turmel original owner 50 years on Blackmar.

Chair Howard – I'm going to get an opinion from the City Attorney Caitlin Murphy.

Ms. Caitlin Murphy – I believe there's a motion for the Special Land Use that's already been put on the table. You can vote for that you'll have to recommend to City Council to either approve or not to approve the Special Land Use. If you want another option could be you could go through and also do the Site Plan approval, which would be based on the result from City Council on the Land Use, or you can also vote to table the site plan until after City Council has decided on the Special Land Use.

Assistant Secretary Smith – The Special Land Use according to what I'm hearing deals with the Gaming facility and the question is whether they have the Certificate of Operation to operate that business in the building. According to Mr. Storey they cannot get that unless we approve the Land Use, so the Land Use needs to be approved for them to even go about getting their Certificate of Operations to operate the Air-Soft business.

Chair Howard – That is correct sir. What we have here in my opinion, as I stated, we are aware that they need the Special Land Use, we are aware that they need our approval to go forward. I think there is some other background information that I'm not comfortable with at this point. And what Attorney Murphy is indicated to us is that we can vote on the Special Land Use, send it to City Council get their opinion on it and then have them bring it back to us then we can vote on the Site Plan.

Assistant Secretary Smith – So by doing that will that allow them to do what they need to do to get the Certificate of Operations?

Chair Howard – Well we do have City Council weighing in on this issue.

Vice Chair Kupiec – Since the original plan expired on March 25<sup>th</sup> that leaves me to believe that it has a two year cycle, it's been there for two years?

Mr. Ron Wuerth – In that particular case yes it expired after two years.

Vice Chair Kupiec – Mr. Storey indicated that the previous or owner was unaware of the site plan approval is that what you said earlier?

Mr. Ron Wuerth – He was perfectly aware of both those site plans. At that time it was Mr. Tobin who was the representative it has now changed representatives.

Vice Chair Kupiec – Since it has expired what does it take to unexpired it. Is that possible to do or does he have to reapply again?

Mr. Ron Wuerth – That's what he's doing right here.

Vice Chair Kupiec – He's applying for a site plan approval?

Mr. Ron Wuerth – Yes, that's what the second part of this is about.

Vice Chair Kupiec – Since the old site plan is expired is he asking us to approve the old site plan?

Mr. Ron Wuerth – No this is a new one, a brand new site plan.

Chair Howard – Is everyone clear or should I have Attorney Murphy give us again our options?

Commissioner Rob – Can you elaborate again please there's a lot of things going on.

Ms. Caitlin Murphy – I believe the site plan is all one site plan that's submitted so it wouldn't be three parts it would be just the two parts. Your options would though would be to either vote on them both tonight or you can vote on just the Special Land Use and table the Site Plan approval until City Council weighs in on the Special Land Use.

Secretary McClanahan – As the maker of the motion I think that is our better option.

Vice Chair Kupiec – That's where some of the confusion at least on my part when you look at the original opening statement of the findings the petitioner is requesting a Special Land Use and a Site Plan approval for Air-Soft Gaming facility and semi-truck parking located on the west side. I think that word and threw me off.

Mr. Ron Wuerth – This is a typical way that a site plan and a Special Land Use have been presented to the Planning Commission and to

City Council for years, together that's how they've moved. They can go separately and that's I think the idea there to see how one is going to work verses the other that's what you're doing you're separating things.

Many times it's usually gone through where the Planning Commission approves the site plan but there's the recommendation to approval usually the Special Land Use. So the only thing that City Council does is approve the Special Land Use perhaps and then the Site Plan goes right along with it. Now let's just say that City Council does not approve the Special Land Use now it goes back because that part of the originally approved site plan doesn't work anymore. But that almost never happens it's happened but very seldom. I'm going to reword the first part here, the Staff recommends that the Special Land Use Permit should be approved for an Air-Soft Gaming facility. As the Use satisfies the general standards of section 22.14b1 subject to the petitioner obtaining the variances required from the Zoning Board of Appeals. Those variances are having to do with the site plan now it's all tied in together. My point is I wanted to make sure that the Use Permit is tied to the Air-Soft Gaming Facility.

Chair Howard – And that perhaps was probably where some confusion had come in. We are aware and you are absolutely correct sir that we do have Special Land Use tied into a site plan I believe we have two different entities coming together. You've got a Air-Soft that has one function that's gaming and then you have trucking which is something different with parking so that may have led to some confusion.

Mr. Ron Wuerth – Then the two come together in the site plan because there's two things going on with the site plan. You've got the open storage for the semi-truck trailers and you've got the parking for the Gaming Facility.

Chair Howard – Thank you Mr. Wuerth you've always been able to bring some clarity to a situation. I'm going to turn it over to the Commission for a vote we will vote on it in two parts. The first part will be for Special Land Use. That was a motion by Secretary McClanahan supported by Assistant Secretary Smith.

ROLL CALL:

The motion carried unanimously as follows:

Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes

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

Chair Howard – Then we have the second part which is Site Plan Approval. Now we can have this tabled until it comes forth at City Council or we can take a vote currently?

MOTION:

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

ROLL CALL:

The motion carried unanimously as follows:

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

- E. 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**

Secretary McClanahan – This is to advise you that I am requesting that the above mentioned agenda item be tabled until Monday, October 5<sup>th</sup>, 2015. I made a verbal request to Dewan Hassan of your office who provided me that alternate date. If you have any questions please contact me. Thanks for your cooperation in this matter. Jeff Brodsky, Manager.

MOTION:

A motion was made by Vice Chair Kupiec to table, supported by Commissioner Vinson.

ROLL CALL:

The motion carried as follows:

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

- F. SITE PLAN FOR ADDITIONAL PARKING AREA AND OTUSIDE STORAGE; located on the east side of Ryan Road; approximately 850 ft. south of Thirteen Mile Road; 30660 Ryan Road; Section 8; Charles Bowers. **TABLED**

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.

PETITIONERS PORTION:

Mr. Charles Bowers – Well I resubmitted the site plan and I also complied with the joining of my two lots together. I think at this point it’s just a matter of whether you are going to approve this site plan.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

**FIRE:** We have reviewed the above captioned request and have determined the following provision will be required:

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

**ENGINEERING:** Preliminary review yielded the following comments:

1. This development must comply with the City of Warren Storm Water Management Plan.
2. The site plan shall indicate all utilities and any easements across those utilities that are shared between the parcels.
3. Parcel 13-08-101-009 is owned by a different owner than parcels 13-08-101-010 and 13-08-101-011.

4. All of the parcels shall be clearly shown as separate parcels as they have not been combined at this time.
  5. The entire parcel shall be shown for 13-08-101-009.
  6. There shall be no permanent structure over an existing or proposed easement.
  7. The existing buildings and proposed storage areas do not appear to have fire hydrant coverage.
  8. Clearly identify the proposed parking area and pavement section.
- ZONING:** A review yielded the following comments:
1. The property is zoned M-2 Industrial District.
  2. No previous variances have been granted.
  3. If the site plan were approved as submitted, the property to the north located at 30700 Ryan would become non-conforming per Section 4.32 paragraph (h); item (23) of the Zoning Ordinance.
  4. A variance would be required to waive the required amount of off street parking.
  5. In addition, variances would be required to allow open storage on gravel areas per Section 17.02(s).
  6. Several property maintenance issues were observed during the site visit and enforcement actions will be initiated for those items.

Mr. Ron Wuerth reads the recommendation of the Staff:  
I would like to eliminate items 2, 3, 4, 5, 8 from Engineering as they do not apply

**MOTION:**

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

**COMMISSIONERS PORTION:**

Chair Howard – Mr. Bowers I think the last conversation we had was regarding your lease agreement and the language were you able to work on that as well?

Mr. Charles Bowers – I just decided to not deal with the parking because it complicated things too much so I’m not going to do it. The outside storage is really what was critical, the parking I don’t really need so I just eliminated it all together.

**ROLL CALL:**

The motion carried unanimously as follows:

Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Assistant Secretary Smith.....	Yes

Commissioner Vinson.....	Yes
Commissioner Robinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes

Mr. Charles Bowers – I’d like to add I wasn’t too pleased about this all happening but everyone has been so cooperative in the Planning Office and I have to say I admire the way you folks respect and treat petitioners and citizens just sitting here the last two times it’s just really well done.

Chair Howard – Thank you so much sir we appreciate that.

- G. SPECIAL LAND USE PERMIT APPROVAL FOR NEW BATTING CAGES; Located north of Chicago Road; approximately 341 ft. east of Denton Drive; 7001-7007 Chicago Road; Section 4; George Champagne (Simon Maero) **TO BE TABLED TO 7-20-15**  
Chair Howard – We do have correspondence from Mr. Wuerth and recommendation that this be tabled until July 20<sup>th</sup>, 2015.

MOTION:

A motion was made by Assistant Secretary Smith to table until July 20<sup>th</sup>, 2015, supported by Commissioner Rob.

ROLL CALL:

The motion carried unanimously as follows:

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

- H. SITE PLAN APPROVAL FOR KITCHEN ADDITION, TWO BARBEQUE COOKING AREAS AND OUTDOOR DINING AREA FOR THE VICTORY INN; located on the southeast corner of Twelve Mile and Mound Roads; 28950 Mound Road; Section 16; Beverly Suida (Victory Inn).

PETITIONERS PORTION:

Ms. Beverly Suida – We are here looking for approval to put our addition on to the Victory Inn. We are turning it into a smokehouse and we want to put an addition onto our back kitchen so we are looking for approval to do this.

Mr. Steve Gerwin – I'm the Architect here on this project and what we have is an addition. We are redoing a new entrance and we are also providing some café seating for 38 additional people. There are a few items we'd like to discuss in regarding the recommendations. It's a business that's been in Warren since 1946 probably before they had codes, the building was probably built without a code. They noted that they couldn't find any building application for the two pole large sign which is almost a landmark they are not sure they want to remove that as has been requested.

Ms. Beverly Suida – The only thing is Victory Inn was built by my grandfather brick by brick. I've been there for 31 years I worked for the previous owner after my grandfather died so I know that's the original sign along with the building that he built in 1942 and opened in 1946. So it's really a part of me I would really like it to stay I didn't know that would be an issue with our addition to the property that sign means a lot to me so I'd hate to take it down. It's the original sign it's been there forever the previous owner did redesign it red and white.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

**FIRE:** This department has reviewed the above captioned request and has determine the following provision will be requested.

1. Must meet the requirements of the 2012 Edition of the Michigan Building Code for n A-2 use group.
2. Emergency egress from the patio must meet the requirements of the 2012 edition of Michigan Building Code for an assembly occupancy, including the number of emergency exists and panic hardware on the exit doors and gates.
3. 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.
4. Maintain existing Fire Department access roads. Fire apparatus access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.
5. Provide fire alarm system if required by code.

Mary Clark CER-6819  
June 1<sup>st</sup>, 2015

6. Provide Fire Department lock box (Knox box) as required by local ordinance.

**DTE:** Approved.

**ZONING:** The Zoning Bureau reviewed the site plan and has determined that the parking configuration does not meet the requirements of Section 4.32 (i) in regards to the length of parking spaces. A variance would be required to allow parking spaces nineteen (19) feet in length.

**ENGINEERING:** Preliminary review of this site has yielded the following comments from the Engineering Division.

1. Any improvements within the Mound Road or 12 Mile Road right-of-way are subject to the approval of the Macomb County Department of Roads.
2. A system of internal drainage may be required.

Mr. Ron Wuerth reads the recommendation of the Staff:

The petitioner can and does have the opportunity to go to the Zoning Board of appeals and ask for a variance if they are awarded the permission to keep it and retain it then they can have a building permit.

**PUBLIC HEARING:**

Mr. Don Karpinski – My question is how safe is that wall around the outdoor dining to the parking lot? Is it safe enough for a car to ram that wall and not injure any of the people in the dining area?

**MOTION:**

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

**COMMISSIONERS PORTION:**

Assistant Secretary Smith – According to the gentleman's comment about the wall around the dining area on the outside can you elaborate on how that would be protected if a car came through there?

Mr. Steve Gerwin – As they suggested in the comments they wanted masonry piers around the columns they will be in aluminum and there's a five foot barrier with plantings between the fence and the road and a six inch curb. Of course a car can always jump curbs and go through fences so I would assume it would be as safe as being anywhere. I can't say that it's perfectly safe because a car can go through block, steel, trees and bushes it's done all the time, but I don't see it as a threat to anyone.

Assistant Secretary Smith – The two smoker trailers that you have there on the side of the building they are sitting on the ground are

they going to be built up off the ground a little bit or are they going to continue to sit on the ground?

Mr. Chris Callender – If that is a requirement that we need to meet to be built off the ground then it will be done. Right now we find that as the most appropriate and safest way to house this process that we are proposing.

Assistant Secretary Smith – I was just concerned because you have doors on there that open up and close to go inside of it and if you have snow is that going to be an issue opening and closing the doors or anything?

Mr. Chris Callender – For the site plan that you see those will be affixed to the bay doors off that east wall of the extension on the exterior wall. As we somewhat previously discussed when we met with some of the Commissioners that will be a level ground. The east wall of the extension will be going into to the kitchen expansion.

Assistant Secretary Smith – It was mentioned in your recommendation that they needed to remove their sign which they would like to keep. I was looking here back on our other notes it says on August 31<sup>st</sup>, 1988 the Board of Appeals granted permission to retain existing hard surface parking to the property lines along 12 Mile and Mound. Also to erect the 5 foot x 7 foot 35 square foot ground sign 19 feet high to the property lines along 12 Mile and Mound Road isn't that the same sign?

Mr. Ron Wuerth – No, I already checked with Lynne Martin she researched it and it's not the same sign.

Mr. Steve Gerwin – Was there another sign that large on the site, how can it not be the same sign?

Mr. Wuerth – There's a sign on 12 Mile.

Chair Howard – That's a very good question let's look at those notes again and that was 1988?

Assistant Secretary Smith – August 31<sup>st</sup>, 1988 the Board of Appeals granted permission to retain the existing hard surface parking to the property lines along 12 Mile and Mound also to erect a 5 foot x 7 foot 35 square foot ground 19 feet high to the property lines along 12 Mile and Mound Road.

Chair Howard – Is that the size of your current sign?

Ms. Beverly Suida – Yes, the previous owner put that one in, its sitting on 12 Mile.

Chair Howard – Mr. Wuerth has already stated some provisions that we can make and we will address those as well.

Commissioner Pryor – Is it possible to put some concrete bollards to fill round this area where you are going to have people sitting and eating so that cars cannot possible get into the area, it would wreck a car rather than wreck a person?

Mr. Chris Callender – Yes we can do that.

Commissioner Pryor – I've seen that in front of stores where they are afraid someone will crash through the door with a car, it's a suggestion you might consider. Isn't there a grandfather clause regarding the sign since it's so old, seems like there ought to be.

Vice Chair Kupiec – Have you read the recommendations from Mr. Wuerth?

Mr. Steve Gerwin – Yes.

Vice Chair Kupiec – Do you have any real objections to any of them the one obviously it sound like the appropriate move would be to go to the ZBA for your sign and see if you can get a variance there. Obviously Mr. Wuerth will help you to follow that process if you're not familiar with it. As far as a car entering into the seating area normally if you have a six inch high straight back parking blocks that's when you see generally around the city or as Commissioner Pryor was talking about the bollards 6 inch diameter 5 foot high pillars located so a car can't get in between them is another option that you might want to consider for safety of the people that are sitting outside. As long as you are familiar with the recommendations it sound like a good plan to me I would look forward to trying out your sandwiches.

Chair Howard – Is it going to be a barrel grill or is it going to be a trailer pit?

Mr. Chris Callender – Right now they are located off the east wall we have a mobile rig. We've done some great events such as the Woodward Dream Cruise, the Winter Blast, we are currently at the Warren Farmer's Market. We just completed fabrication of our new

smoker and it currently stands as the largest reverse commercially used smoker in the State.

Chair Howard – By far I do concur in terms of all the recommendations if you are in agreement with those in terms of that sign I believe that does speak to the sensitivity and also to the history of your particular establishment. Please go to the Zoning Board of Appeals to see if maybe the sign is grandfathered in I’m not sure, Mr. Wuerth is saying no it is not, so please work with Mr. Wuerth and Lynne Martin to see what we can do about that sign.

ROLL CALL:

The motion carried unanimously as follows:

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

- I. SITE PLAN APPROVAL FOR NEW DIESEL PUMPS AT GAS STATION/CONVENIENCE STORE; located on the southwest corner of Thirteen Mile and Mound Roads; 30953 Mound; Section 8; Sam Jarbou.

Chair Howard – I don’t see the petitioner here did we receive any correspondence Mr. Secretary regarding this item?

Mr. Ron Wuerth – I did not receive any correspondence regarding them not being here.

Chair Howard – Since this is their first presentation before us we will table this item until our next meeting June 22<sup>nd</sup>, 2015.

MOTION:

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

ROLL CALL:

The motion carried unanimously as follows:

Assistant Secretary Smith.....	Yes
--------------------------------	-----

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

- J. SITE PLAN FOR NEW CONDOMINIUMS; Located on the south side of old Thirteen Mile Road; approximately 330 ft. east of Washington Blvd., 8320 Thirteen Mile; Section 10; Angelo Sbrocca (Daryl Gaphes)

PETITIONERS PORTION:

Mr. Angelo Sbrocca – It is a site condo they are all ranch style there’s a two-plex on the west and on the east side of the road there will be a four-plex. They are 1475 square feet, two car garage, with a private court it is a very attractive complex.

Secretary McClanahan reads the following recommendations:

**TAXES:** No Delinquent Taxes.

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

1. A legal description of the affected parcel shall be provided.
2. Existing water main and sanitary sewer easement descriptions shall be provided. If these easements have not been dedicated, approval of the site plan shall be contingent on these easements being submitted for approval by the City of Warren and recorded with Macomb County Register of Deeds.
3. There shall be no sign or permanent structure within an easement.
4. The 100 year old floodplain contour shall be accurately and clearly shown according to the approved map revision based upon fill.
5. Clearly show the grass paved 2 areas on the site plan.

**FIRE:** Approved.

**ZONING:** Variances requested permission to:

1. (A) Allow the construction of four (4) units (1-Story) multi-family dwellings, 187.42’ long. Twelve (12) feet from the east side property line and twenty seven (27) feet from the front property line.  
 (B) One (1) 2 units (1-Story) multi-family dwellings, 94’ long, twelve (12) feet from the west side property line with a detention pond to the north.

2. To allow hard surfacing for maneuvering purposes to no less than 8' of the south property line with a berm and plantings along the south property line.
3. To build (6) (1-Story), 2 bedroom, multi-family dwellings on 48,599 square feet of land.

The petitioner's request was granted with the condition that petitioner relinquishes all prior variances.

**DTE:** Approved.

Ms. Michelle Katopodes reads the recommendations of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – I stopped by and looked at the property the other day and I saw the detention pond in the front if we have another flood like we had in August last year will that pond be big enough to handle anything?

Mr. Angelo Sbrocca – We did have a lot of rain but that was something that we had to put in when we started the project years ago through the DEQ and Engineering. We put the road in and the economy took a turn for the worse and we just kind of put it to rest. Now we are resurrecting the project and we've modified it to today's times we've actually went from 11 colonial units down to 6 ranches because we feel that's something you don't see too much of in the area and would be desirable.

Commissioner Rob – I think it will be a great addition thank you for putting it in. I just want to know for myself what would be the time period to have this project completed.

Mr. Angelo Sbrocca – Well we have the process to go through with the final submitting of Engineering and everything that she just mentioned which could be obtained a relatively quick time. The only that's hinged on is Detroit Edison and Consumer's Power and we are working with them now to try and pull them into the complex even though they are right off Old 13 Mile Road. So once I know that is going to be in I think everything else will correlate with it. I would love to start it in September or at least start the two-plex which is the one building on the west, but like I said it's all hinged on if we can get the utilities in. Worst case scenario would be the spring but I would love to start the two-plex this fall so we'll see what happens.

Vice Chair Kupiec – Good sir, I take it that you’re the lone wolf you’re the proprietor, the owner of the property and the developer.

Mr. Angelo Sbrocca – I am.

Vice Chair Kupiec – And you understand all the recommendations that were submitted by the Planning Department and do you agree with everything?

Mr. Angelo Sbrocca – Yes.

Vice Chair Kupiec – There are some environmental issues obviously that you have to address and obviously Assistant Secretary Smith brought up the little pond you have there that looks like it will have to be retained.

Mr. Angelo Sbrocca – Yes.

Vice Chair Kupiec – Also the trash condition you’ll have to talk to the Engineering Department about.

Mr. Angelo Sbrocca – Yes and they’ll decide if they want the trash put out to the street or bin whatever they decide with I will comply with.

Vice Chair Kupiec – We look forward to seeing your project get underway thank you very much it looks like a nice development.

ROLL CALL:

The motion carried unanimously as follows:

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

7. CORRESPONDENCE

Secretary McClanahan – We have a correspondence from the Lion’s Club. The Lion’s Club will be supporting our annual dinner on Wednesday, June 24<sup>th</sup>, 2015 at DeCarlo’s Convention Center located at 6015 E. 10 Mile Road, Warren; dinner will be served at 7

p.m. They are a non-profit organization and all donations are tax deductible. Tickets for this affair our \$20.00 dollar donations and you can also get a table of 10 for \$200.00 dollars there will be no tickets sold at the door. So of the programs that we support are lead dogs for the blind, diabetes awareness, cleanness of Detroit Parks, adopt a park program, food basket and toys for low income families, free eye glass program for low income families, environmental services, first responders for fire, storms etc., St. Jude's Children Research Hospital and much more. In order to provide these services we need your help send any donations to Detroit Motown NEW Lion's Club, P.O. Box 152 care of Nathan Vinson, President Warren Michigan 48091.

MOTION:

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

8. BOND RELEASE

9. OLD BUSINESS

- A. MINOR AMENDMENT TO APPROVED SITE PLAN FOR OUTDOOR STORAGE AREA, USED CAR SALES AEA AND CANOPY ADDITION; Located on the south side of Ten Mile Road approximately 170 ft. west of Ryan Road; 3930 Ten Mile, Section 30; Mark Giannini (Kerm Billette). Minor Amendment is for the removal of the canopy.

PETITIONERS PORTION:

Mr. Kerm Billett – We are here to tonight with the minor amendment to approve the site plan for a Auto Repair show with used car facility on 10 Mile Road. We found that it was impractical to put a canopy over our entrance door, it takes up to much room because the supports for it would interfere with the parking lot. So we took it off the site plan for an amended site plan and Mr. Wuerth has submitted his recommendation.

Secretary McClanahan reads the correspondence as follows:

**TAXES:** No Delinquent Taxes.

**FIRE:** Approved.

**ENGINEERING:** Preliminary review of this site has yielded the following comments from the Engineering Division:

1. Any portion of the proposed masonry wall, including footings, shall not encroach on the adjacent properties.

Mary Clark CER-6819

June 1<sup>st</sup>, 2015

- 2. Any improvements within the 10 Mile Road right-of-way will require an approval from the Macomb County Department of Roads.
- 3. A system of internal drainage may be required.

Ms. Michelle Katopodes reads the recommendation of the Staff:

Assistant Secretary Smith – Secretary McClanahan read 193 feet west of Ryan Road in our agenda it says 170 I don't know which one is correct?

Mr. Ron Wuerth – 170 feet west.

MOTION:

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

Chair Howard – Now we are going to vote on the minor amendment for the removal of the canopy.

ROLL CALL:

The motion carried unanimously as follows:

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

- 10. NEW BUSINESS  
None at this time.

- 11. CITIZEN PARTICIPATION  
None at this time.

- 12. PLANNING DIRECTOR'S REPORT  
Mr. Ron Wuerth – It's a short report. First off there was a Place Making Seminar that Michelle attended so if you have any questions about what occurred there, with Place Making, please speak to her and she'll let you know all the details. I felt that it was very valuable that she be there for that.

There was also a Master Plan Committee Meeting we are moving forward also as I understand it Mr. Jacobs President of Macomb County College will be at our next meeting June 24<sup>th</sup>, 2015 and I think we are going to invite the Ex-Officio's to be a part of that meeting and continue our discussions and eventually we are going to get to that RFP.

I did attend a Mayor's Staff meeting in which he mention some things about General Motor's first off it has been designated a National Historic Site by the United States Government, what's probably the best news is that with the billion dollar improvements that they are scheduled to make that's going to bring 3000 jobs. So that certainly has a trickle down type theory when it comes to how that affects local Warren and all its businesses.

Then the final thing is I've decided not to retire I'm sorry to take you all through that, but I thought I was going to retire so I'm glad I'm back.

Chair Howard – We are happy to have you back sir.

13. CALENDAR OF PENDING MATTERS

Chair Howard – Mr. Wuerth did mention our next Master Plan Meeting is June 24<sup>th</sup>, 2015 it will be with the President of Macomb County College Doctor Jim Jacobs. Again I want to thank all the Commissioners who attended the Commissioners dinner early part of this month. Thank you so much for your participation there was great recognition and we want to thank you for all that you do and the service that you give to the city.

14. ADJOURNMENT

MOTION:

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

The meeting adjourned at 9:45 p.m.

---

Jocelyn Howard, Chair

---

Jason McClanahan, Secretary

Meeting recorded and transcribed by  
Mary Clark - CER-6819

**E-mail:** [maryclark130@gmail.com](mailto:maryclark130@gmail.com)