

CITY OF WARREN  
PLANNING COMMISSION  
PUBLIC HEARING

Regular Meeting held on July 11<sup>th</sup>, 2016, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, July 11<sup>th</sup>, 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  
Claudette Robinson  
Warren Smith, Assistant Secretary  
Kelly Colegio, Ex-Officio

Also present:

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

1. CALL TO ORDER

Chair Howard called the meeting to order at 7:08 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chair Howard – We did receive correspondence from Commissioner Rob that he was ill on this evening so I would need a motion to excuse Commissioner Rob from tonight's meeting.

MOTION:

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

Chair Howard – And Commissioner Vinson is not in today, it's not typical that he misses a meeting so I would take a motion to excuse him on this evening.

MOTION:

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

4. APPROVAL OF THE AGENDAMOTION:

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

5. APPROVAL OF THE MINUTES – June 20<sup>th</sup>, 2016MOTION:

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

Chair Howard – To the Petitioners, this evening we are missing two Commissioners you do have the right to have a full quorum verses what we have on this evening. If you do decide to bring your item forward you would take the opinion of this Board on this evening, but if you would like to have a full Board that is your right and your privilege to do so.

6. PUBLIC HEARING ITEMS:

- A. 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 (3<sup>rd</sup>).**

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:

Ms. Caren Burdi – Caren Burdi on behalf of Excel Lighting and Electrical Supplies and this is Mr. Hanna to my left. I've recently been retained on this matter, as you know Mr. Hanna was here back in February of this year and honestly did not have a full and complete understanding on how to maneuver zoning issues, so he has sought out some assistance.

On your desk I have provided everyone with a packet of photos and if everyone would look at the first photo that's a photo of my clients business along Eight Mile with the Eight Mile view. I show this photograph to the Board so that you can see that my client maintains his property and takes great pride in his property. The next photo is me facing south along the driveway where people turn off of Eight Mile into my client's business. Along the right is the client parking and along the left is another entrance to the building, I'm basically standing in the alley looking south. I show you that parking because this is the customer parking and frankly I've been over to the site about five times and that customer parking is usually almost full, he's actually using that parking for his customers frequently.

If you recall, back in February when my client was here there was an issue with his neighbor to the west and that neighbor was upset about things against his wall in the storage area, a Mr. Kalba. The next photo that I show you shows that everything's been moved away from the wall. Now I spoke to Mr. Kalba today because I wanted to make sure from February till now which is approximately 6 months how things have been going. He has indicated to me that things have been going very well and that he was choosing not to appear at the meeting tonight because he's satisfied so he will not be appearing tonight. I believe also there has been a communication problem in talking to Mr. Kalba, he was actually reporting issues or talking to people who in fact were not owners of the company. And so what I've asked him to do is to address everything should something come up with Mr. Hanna. That way we know if Mr. Hanna and Mr. Kalba speak at least there's knowledge on both ends and they can work on any issues that they might have with one another. So I think we've solved that issue.

The next photograph is a close up of the fence and I took this picture because quite frankly the fence is a pretty nice fence and it's got some nice screening and I wanted to make sure that the board knew that this wasn't a rusty old fence, this wasn't a mess, this is a nice fence in the area. The next photo is an overview picture of the parking lot now this parking lot is behind the building across the alley and all the cars you see there except for the red pickup truck are employees. I would say on a given day there's approximately 13 to 14 employees and they take up half of that back lot. So what I've learned from going to the site several times and observing myself is the back lot is occupied by half of the employees and the customer parking when you pull in off of Eight Mile is largely full and then there's one strip of parking in the back here where we see some of the customers parking.

The customers parking in the back happens during the bigger times. I need to explain when you walk into my client's business from the strip parking, when you just turn in straight ahead are all parts. You've got your electrical supplies, switches, etc., there's a counter where you can get assistance in replacing pieces and glass. Then towards the street is a showroom and this is a showroom with all different kinds of lightening fixtures and they are presented in a more formal type of setting where as the part section is more of a part shop. It's still rather nice, I really do hope that you had a chance to go in there it is a nice facility. He's employing several people, it's actually very nice. So then the next photo I really wanted to show how the employees took up half of that lot and then the other photo shows the other spaces.

Now the last photo shows on Emmons that's the street that is to the north and I have to say this shows the line of all the fences so this concrete wall is the business to the north parking lot. They have it enclosed in a wall unfortunately they have barbed wire up I don't know that they are approved for that. Then the rest of these fences are residences who have their fences up to the sidewalk and have probably for a substantial amount of time. Then you can see the green fence there is my client. My client after the last meeting was out figuring out how many spaces he would lose if he had to setback 25 feet. He was out there taking some measures and his neighbor to the east came out and said what are you doing and he said I believe that I'm going to have to setback this parking lot. I'm going to have to move this fence and take out this asphalt and move the setback back. The gentleman said I don't want you to do that I feel secure having this here. He indicated however he was a renter so I then went up and down the street and I was talking to several people along the street and many of them are renters. But what I found out is one gentleman or company called Warren Rentals LLC, and you have that letter in front of you owns five of those house many of these are right next door or across the street. I was able to have several discussions with him about the fact that the city was possibly going to make us if we don't get a variance move back 25 feet. He indicated that as a neighbor he did not want to see that happen and he expressed that in a letter to the Board and I understand this letter is going to be read into the record so I'm not going to read it into the record a second time. The owners down there of the residences want the lot to stay as it is.

Some of the good news I have reviewed the recommendation by the Planning Department and find them to be reasonable. The trees along Eight Mile we think will be a positive addition, we think it will

Mary Clark CER-6819  
July 11<sup>th</sup>, 2016

make our place look nice. The trees along Emmons, no problem, taking out the driveway along Emmons, no problem, putting the straight concrete curb, we don't have any problem with that and those are the expensive items that are on the list. Most of the other items are items just to correct the plans and we don't have any problem doing all of those things.

However, we do wish to point out the following. If we are forced to setback 25 feet of that parking lot we don't think we're going to have enough parking. One of the concerns we have is people are going to park in that alley and that's not fair to our neighbors because many of the garages actually have their doors on the alley. So if people are putting their cars in their garage and we have people that are parking improperly in the alley it's not fair to those neighbors they shouldn't have to experience that.

The second place I think they'll park is a grass lot one over where there's no barrier and I believe I've seen people already parking there not from our business because its closer to park in a parking lot but if they can't park in a parking lot we are afraid they will park on the grass lot. The third place we think they may park is the side street Reynolds, it's just to the west of us I think they'll turn on that street park in there and it's a short walk to our place. We did have an incident June 10<sup>th</sup>, two contractors were fighting over a parking space, cars were damaged the police were called, they were fist fighting over a parking space, so the gentleman has been charged who was out of control and it's documented, it's at the police department. We certainly don't want contractors and customers fighting over parking or parking irresponsibly, to be honest with you we'd really like them to be able to park in this parking lot and that parking lot is well maintained.

So it's our intention and what we would like to do is seek the variances at the Zoning Board of Appeals. Now here's what happened that I believe caused some problems on this file. My client appears here in February and his neighbor comes and has some sever complaints. From what I read in the minutes the Board tabled it for my client and his neighbor to work some things out. My client thought that the recommendations were a check list that he had to complete before he came back, we all know that's not the case but that's what he thought. The reason he kept tabling it is because he hadn't been to the Zoning Board of Appeals yet. So he files at the Zoning Board of Appeals and goes to the Zoning Board of Appeals when the Planning Commission hasn't rendered your decision yet. From what I read in the minutes that threw the Zoning Board off asking why he was here and I'll be honest with you Mr.

Mary Clark CER-6819  
July 11<sup>th</sup>, 2016

Hanna did not know why he was there. So he went to the Zoning Board of Appeals and at the Zoning Board of Appeals thought to have the setbacks from the sides from the east and the west was ridiculous because then you can't even have a parking lot if you do the setbacks, you've got to small of a strip. So they granted the side setbacks but they tabled paving to the property line and having the 25 foot setback waived and not having a wall they tabled that. They tabled that because they wanted it to follow the proper procedure which is first Planning and then Zoning.

So I am looking forward to an opportunity especially since we have new information with the letter from the owner down there. We have now neighbors that are understanding each other and working together and I believe that this parking lot is essential to my client being successful in a very difficult place. It is not an easy place, down at Eight Mile and Ryan and Dequindre, to operate a business. For example when I went to talk to Mr. Kalba I had to buzz he came to the door he saw who I was first before he would even unlock the door and let me in. So I have to say that these people are operating in somewhat of a difficult area, he's running a successful business and think we need to be supportive of it.

So the only problem I have with the recommendation is in February the Planning Staff was in support of it, as a matter of fact in the minutes Mr. Wuerth said it's a pretty nice fence, he thought it was a nice fence and was in support of my client going for the variances. When my client went for the variances and did not represent himself well there was some comments made by one Board Member on the Zoning Board of Appeals. This is troubling to me, Boards only speak by collective votes no one person ever speaks for a Board. For example no one Commissioner can ever say what the Board is thinking or feeling it can only speak through its votes. And so the comment that's made here that the Zoning Board of Appeals did express an interest in support that the petitioner remove the six foot high fence within the north 25 foot setback area was only the comments of one Commissioner or a few Commissioner's. And I have seen where Boards have had heated discussions pro, against, etc and then you get a vote and you're surprised. So I don't think it's proper to my client that one Commissioners or two Commissioners comments are used in that fashion I think it's a violation of due process and I would ask you to not allow this to go on a vicious circle where we are guessing what other members are saying.

So it's my understanding now that the recommendation is not to support us seeking variances at the Zoning Board of Appeals I would ask you to please consider. I don't think the Planning Staff had that

Mary Clark CER-6819  
July 11<sup>th</sup>, 2016

letter from the homeowner until today and I don't think they knew that things were good between the neighbor and my client until this meeting. So in all fairness to them I would ask you to consider adopting the site plan conditional on me getting the zoning variances from the Zoning Board of Appeals.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

**DTE:** Approved.

**FIRE:** Approved.

**ZONING:** Approved.

Chair Howard – Can you read the letter from Warren Rentals into the record please?

Secretary McClanahan – We were recently informed that the City is considering moving an established fence line southward by 25 feet on Emmons Street. We currently own 60 single family residences in the City of Warren, in which 5 are on Emmons. More specifically 2686 Emmons which is the house on the east side of the lot in question, 2685 Emmons, which is directly across the street from the lot in question, 2725 Emmons, which is three doors to the east, 2823 Emmons, which is 3 more doors down and lastly 2220 Emmons.

When we acquired our properties on Emmons over 10 years ago, this section of the city was among the worst in the city. To the cities credit blight on this street has been significantly reduced. Oddly enough when we acquired the homes on Emmons the parking lot in question was one of the neatest and well-kept areas on the entire street. We felt that when we purchased our homes on Emmons that this lot was actually a benefit due to a nice 6 foot high fence that protects my property from possible intruders, as well as how well the lot is maintained. At the time of acquiring this home we have the Vice President of Fidelity Bank conduct a site visit and he also made a comment about how nice the fence looked and how well the area was maintained. We have had past tenants comment about the lot and without exception all comments have been complimentary. In between tenants we personally witnessed on several occasions people who are using the parking and to pick up trash that happened to be in the alley.

In summary, the lot in question is always maintained and provides additional safety for our tenants. As owners of 5 houses on Emmons we have considerable interest in keeping Emmons a nice

Mary Clark CER-6819  
July 11<sup>th</sup>, 2016

looking street and this parking lot does nothing but add positively to the street and neighborhood. Any plan to reconfigure the lot would cause an unwarranted and unnecessary disturbance and take away from the harmony of the neighborhood.

Please let us know if we can provide any additional information. Sincerely, Krista L. Shaw, President, Warren Rentals LLC, Anthony A. Shaw, Vice President, Warren Rentals LLC.

Mr. Ron Wuerth reads the recommendation of the Staff:

\*\*I want to make a correction variances 1, 2, and 3 should be noted as variance A, B, and C so they correspond with 2A, B, and C. \*\*

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – Mr. Wuerth I just want to verify something in 1D you keep saying M1 but on my sheet it says M2, it should be M2 correct?

Mr. Ron Wuerth – That's correct.

Assistant Secretary Smith – I was by there today and I was looking closing at it, I actually went by it three or four times just to look it at. The parking lot was in good condition there was only about six spaces that didn't have cars in them. And about two or three lots down you have the lot that has the concrete wall that goes all the way around, which I saw that. I was thinking about the 25 foot setback and how it would setback the fence a little bit so the neighbors could see each other a little bit better, but now I understand from the letter and everything like that that they like the fence closer up for security purposes. So I just wanted to mention that.

Vice Chair Kupiec – I would like to suggest that we accept the recommendation for a \$20,000.00 dollar increase and make the bond a \$600.00 dollar cash bond.

Chair Howard – Secretary McClanahan do you support a \$600.00 dollar cash bond?

Secretary McClanahan – Yes.

Assistant Secretary Smith – I also do.

Mary Clark CER-6819  
July 11<sup>th</sup>, 2016

Chair Howard – Mr. Wuerth just in terms of Ms. Burdi's comments in regards to if the 25 foot setback is set there they would be losing parking spaces, what is your opinion on that sir?

Mr. Ron Wuerth – They would lose parking spaces.

Chair Howard – How many would they lose sir?

Mr. Ron Wuerth – Probably 6. What I looked at when she discussed this with the Board was that they have nine extra parking spaces so I wouldn't have made that kind of decision without realizing that they'd have an abundance of parking which means an extra three if they lost six. They had a variance to begin with and that brought it down but they would still ideally have three parking spaces in abundance.

Chair Howard – So that would be able to accommodate the staffing that they currently have at the business sir?

Mr. Ron Wuerth – Well apparently they needed a variance originally to reduce the amount of parking they have and they didn't need it and they did get the variance so if they lose six more they still have three left on top of what the requirement is.

Chair Howard – How long has this fence been up?

Ms. Caren Burdi – If I might explain for a moment. This property was redone in the 80's. This was not done by my client the prior owners their requirements and needs for parking were substantially less than my clients. My client bought this property about 8 ½ years ago in the reliance on that parking lot, he had no idea that they put up that parking lot without getting the proper approvals. And I believe that's in the minutes from the February 22<sup>nd</sup> meeting where Mr. Wuerth had done quite a bit of research stating that there was this letter and he doesn't know what's in the letter nobody can find the letter so we don't know what kind of authority they had to do it or not so the solution was my client had to come here and get the proper approvals. So my client didn't do this and the entity that asked for the parking variance was an entity that didn't need as much parking.

We are literally stating that we need all of that parking to function properly and not disturb our neighbors with parking. When the parking that comes in off of Eight Mile, that single row of parking is almost full all the time. I believe Assistant Secretary Smith indicated that there were only three spaces available in the back lot when he

went by. We need the parking we did not ask to get rid of the parking that was a prior owner, we bought this 8 ½ years ago and we need the parking. Our concern is that we follow through and move this 25 feet back and that's not what the neighbors want or what the owners want and we start having irresponsible clients that we can't control parking in the alley, blocking people, parking on the side street, parking on the grass, which is not what we want to see. We really want to have a nicely clean run business and we need the parking to do it.

Mr. Ron Wuerth – I'm a little surprised actually because most places in Warren don't use even the required parking so when I felt that there were three extra parking spaces left available we were in good shape, so that was my reasoning behind it. It's pretty obviously that the petitioner is now saying they need extra parking. My only concern is I don't want to see that parking area used for open storage of vehicles. When I saw that in the original and you hear it in this recommendation and finding I didn't like it when I saw it. Because you go park a truck right up against that area and you're parking it right next to the house because those setbacks are pretty minor. This picture actually looks like there's a truck parked there, I'm not sure if it is but it sure looks like it to me. So I was a little surprised when I saw the picture. I'm not going to belabor this I'll say this if they need the parking I'm not going to argue it.

Secretary McClanahan – Seeing as they do need the parking and it is a well-kept fence, the neighbors are for it, they've worked out the difference so I would approve that as being part of my motion. I just do not want the open storage because then you have a whole other ball of wax that we don't want to get into.

Ms. Caren Burdi – Once in the recommendation in February it came to his attention that those work trucks were not allowed to be parked there they haven't been there since. Now I've been there five times in the last week and they've not been there. You understand fully it's not for your work trucks, right, it's only for customer parking and for employee parking.

Mr. Wally Hanna – Yes.

Ms. Caren Burdi – And we understand that if he doesn't honor that then he's in violation and he's subject to the proper sanctions but I believe he understands that and for six months he's kept those trucks out of there.

Chair Howard – What we would add is that according to the Planning Director’s observation and his concern that would not be used for open storage. I pass by your establishment on my way downtown to work, it’s well-kept and clean. I see it all the time and I was there this weekend so I appreciate what you are doing there. That cannot be for open storage. Mr. Wuerth would you be willing to remove item P from the recommendation and then they would go to ZBA for the following variances with the condition that it not be used for open storage?

Mr. Ron Wuerth – Madame Chair if that’s the wish of the Planning Commission to remove that then remove it.

Secretary McClanahan – Yes I would.

Assistant Secretary Smith – Yes I would like to remove it on the condition that no trucks are parked in there, it’s strictly for passenger cars, there’s no open storage of trailers and stuff parked in there.

Chair Howard – It would be used for employee parking and some overflow.

Assistant Secretary Smith – The neighbors seem to like the security of the higher fence by their houses.

Chair Howard – So we will remove item P from the recommendation we will add that the parking in the rear will be used for employee parking and overflow parking and that no outside storage in that rear parking and a \$600 cash bond. With that being said that was a motion by Secretary McClanahan supported by Assistant Secretary Smith, roll call please.

ROLL CALL:

The motion carried as follows:

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

Ms. Caren Burdi – Thank you to the Board and thank you to the Staff I know I came on late and they really helped me get up to speed, thank you.

- B. SITE PLAN FOR OPEN STORAGE OF CONSTRUCTION MATERIALS AND EQUIPMENT: Located on the north side of Nine Mile; approximately 325 ft. east of Dequindre Road; 1971 Nine Mile Road; Section 30; Rahim Oraha (Ron Construction Inc.). **TABLED.**

Chair Howard – This was a tabled item we did receive correspondence Mr. Wuerth there was not a date regarding this item do you have one sir?

Mr. Ron Wuerth – We did communicate with Mr. Walcott he’s the representative for Ron Construction and he agreed to the August 22<sup>nd</sup>, 2016 date.

MOTION:

A motion was made by Secretary McClanahan to table until August 22<sup>nd</sup>, 2016, supported by Assistant Secretary Smith.

ROLL CALL:

The motion carried as follows:

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

- C. ALLEY VACATION: Twenty ft. wide north/south public alley located approximately 100 ft. west of Mound Road, 105 ft. east of Albany Avenue and south of Hayden Street; abutting lots 77 thru 81 and 211 thru 213; Ramm & Co’s Mound Park Subdivision; 20829 Mound Road; Section 32; Quality Real Estate Management (Laura and Vinson Bahri).

PETITIONERS PORTION:

Mr. Vinson Bahril – I just want to create a secure parking lot for the buildings, right now there’s just two grass lots back there divided by a dirt alley.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes:

**ASSESSING:** Approved.

**AT&T:** AT&T does have aerial facilities in the alley located behind 20829 Mound Road, and if relocation is necessary it would be at the cost of the petitioner.

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

1. The existing 20' wide north-south alley located approximately 100' west of Mound Road, between Hayden Avenue and parcel 13-32-483-035 appears to be usable by the traveling public. If the northern portion of this alley is vacated, it would restrict access to the alley for all property owners south of the requesting parcels and north of parcel 13-32-483-035.
2. Existing overhead electrical utilities and a sanitary sewer are present in the subject alley. A full-width utility easement shall be retained over the subject alley for the existing utilities.
3. Legal descriptions and other corresponding documentation for 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 adjacent eastern and western parcels. Parcels 13-32-483-001, 13-32-483-002 and 13-32-483-003 shall be combined with the west ten feet of the alley and parcels 13-32-483-012 and 13-32-483-013 shall be combined with the east ten feet of the alley.

**DTE:** DTE has overhead utility poles that need to have access for repair and replacement. DTE does not approve the alley vacation due to the above reason.

**DPW:** Approved as long as petitioner does not cover or alter any storm drain.

**FIRE:** Approved.

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

1. Wall is in need of repair.
2. Parking is a concern.

Mr. Ron Wuerth reads the recommendation of the Staff:

**PUBLIC HEARING:**

Mr. Joseph Hunt – I'm very familiar with this parcel of property as I've gone down the back alley many times over the years from Mound to cut over to Eight Mile and I'm in strong favor of the petitioner's request to vacate the alley. Especially the area here, and I've spoken about this multiple times before is that this is an area of the City that needs to be spruced up and be enhanced. Primarily the issue about the vacation of the alley, it's not a used alley anyway. I would think that this would be in the benefit of the petitioner and of the residence to vacate the alley and of course I will

be making the same recommendation to the Warren City Council. As I have noticed on my internet the petitioner has satisfied quite of bit of permits as far as mechanical, electrical, and plumbing. Even by going by the area last week I find that there's a little bit of enhancement to that area that sorely needs enhancement, in the south end of the city. So I'm in very strong fair of the petitioner's request and I ask that you grant this.

I do want to point out on the last item that when you had sought legal advice Madame Secretary the microphones weren't on so that the people here under the open meetings act, the public meeting were not able to hear the advice of the City Attorney Caitlin Murphy so I don't know if that legal advice will make it into the public record. Anytime you have legal communication under the public act, the open meetings act of 1976, all of the discussion should be made public unless the public body adjourns for a legal discussion. Like I said I'm all in favor of this item.

Mr. John Bakalis – Good evening my name is John Bakalis my father has owned Elmack Engineering which is at the very south end of this row of buildings were that alley is going to be vacated. Now I'm going to give you just a little bit of history when they put the Wendy's in at Eight Mile and Mound they vacated the alley going through to Albany at that time to accommodate the restaurant and the city put in their own alley, which goes around our building and then down that alley all the way to Hayden, which is notated on the photos on the planning. Many times that city alley is blocked with trucks and people parking to eat at the Wendy's. But I will say in the evenings we do have a police presence that drives that alley and if that northern section of that alley is abandoned then we lose our ability to get trucks and vehicles in around the back of the building and do our business as well.

As far as parking goes if he wants to put a parking lot across the alley and enclose that I'm not opposed to that but very much opposed to abandoning the alley. If I have a 40 foot truck come around through the city alley behind 20769 Mound which is our business there's no place for that truck to turn around and get back out. If we abandon that alley he would be backing out if we have two or three trucks in the alley where are they going to go. We've been there for 44 years and that alley has always been left open.

Also there's a concern about the safety of that row of buildings if we abandon the northern end as far as if there's a fire or there's services that need to be gotten to. I know that the power company was alluded to but that restricts their ability to get through as well.

Mary Clark CER-6819  
July 11<sup>th</sup>, 2016

I'm not sure about the previous gentlemen's comment about cars cutting through and going behind the alley I guess we've had people do that forever, but I would rather it stay open and be able to use it then be landlocked in. Also I'm a little concerned of what's going to happen if they vacate that alley and we get somebody in the middle that generates a fair amount of business and there's vehicles coming around the back side through that one end all the time how that's going to affect the space behind us.

Ms. Karen Spranger – As a citizen who just thinks on the safety issue and how the alley was always there for many years. I think if we look at what the purpose is and go back to the check off list of why we had that alley and why people cut down there. If they close it then the issue is how do they use the areas around there? Yes I see his point and yes I see the person's point who wants to close it off but we have to look at the State Laws and the security and safety of the buildings and the citizens who need to use that alley as well as DTE and utility trucks. If that purpose is greater than, I think it's obvious.

MOTION:

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

COMMISSIONERS PORTION:

Vice Chair Kupiec – In the findings it was stated that the utility company DTE is definitely against your request. If you were to get this request approved are you financially capable of moving all the electrical equipment, the power lines and telephone poles to comply with DTE?

Mr. Vinson Bahril – It probably wouldn't be worth the money to move utility poles.

Vice Chair Kupiec – Well that will kind of influence my decision then. My concern is the safety of equipment, fire equipment, EMS, and police being able to transport back and forth in that alley and I think closing it off would be a bad move so I will definitely vote in favor of denying it.

Secretary McClanahan – It says in our recommendation that it was approved in 1964 lots 212 and 213 to be hard surface what is your reasoning for wanting to close the alley?

Mr. Vinson Bahril – I'll be honest with you, I get a lot of garbage being dumped over there it's a landfill and I don't really know

anybody that uses that alley over there, it's almost un-drivable by a regular vehicle. I would consider vacating the alley and leave it open for anybody within 300 ft.

Chair Howard – Have you had any conversation with the businesses on that strip?

Mr. Vinson Bahril – Just my neighbor.

Chair Howard – And did you speak to the gentlemen here on the end regarding it?

Mr. Vinson Bahril – No I've never seen him.

Chair Howard – I think that Mr. Wuertth brings up some very critical points in regards to the vacation as well as Mr. Vice Chair in terms of if we were to approve it would you have the resources to actually complete the recommendation as stated. I believe that there are possibly some other options for you to expand your business so you may want to explore those as well. That was a motion to deny by Commissioner Robinson supported by Assistant Secretary Smith.

ROLL CALL:

The motion carried as follows:

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

- D. SITE PLAN FOR OPEN STORAGE OF TRUCKS: Located on the north side of Nine Mile Road; approximately 400 ft. west of Sherwood Avenue; 6485 Nine Mile; Section 28; Elizabeth Tucker (George Jerome Jr.)

PETITIONERS PORTION:

Mr. Dave Domas – I am Dave Domas this is my sister Elizabeth Tucker she is the owner of the property in question and we were here it seems like only yesterday but it was a month ago. We've since received recommendations from the Planning Commission and we had just a couple of days to look them over we received them on Friday. My sister has spoken to the Director briefly today when she picked up some documentations.

This property has two communication towers on it, we also lease the property to a trucking firm, the representatives of the firm are here this evening. They are a long haul firm that transports foods and other goods and services around this region. Prior to that the property was being used as a site for concrete manufacturing and it was very common for there to be trucks on the property, moving in and out of the property, staying overnight on the property, and materials were always brought in to the property on trucks. Sometimes those trucks stayed there, sometimes we owned the truck or at one point we had a tenant that operated the facility so it was not uncommon for the trucks to be there. At one point there was a railroad spur that was being used to unload materials that were needed in the process of manufacturing concrete. One of the items on this list of recommendations is the removal of a concrete abutment that is used as part of that spur so that railroad cars coming into the facility or property wouldn't wander into Nine Mile Road. The loss of that of course prevent the use of a spur being used again until it had been replaced. We don't know what the property ultimately be used for we expect that at one point we will be selling the property. It's zoned M4 so there are a host of opportunities for someone who purchases that property so the elimination of that abutment would affect that potential use, it would eliminate the value of the property but it would eliminate that potential use.

Ms. Elizabeth Tucker – The first four items will have to be taken care of by George Jerome who is a surveyor and did the site plan. Ms. Tucker reading the recommendations of the Planning Commission which Mr. Ron Wuerth addresses in his portion.

1A – The description I gave them is the one that came with our purchase agreement of the property, it came and I always presumed it was the correct one. Apparently there are other descriptions out there that don't match it so the surveyor is going to have to take care of that.

1B – This is another item that the surveyor is going to have to take care of on the new site plan that you're recommending.

1C – The driveway is north and south I would presume we are on the north side of Nine Mile Road I don't understand what that means.

Mr. Dave Domas – There are two cell towers on the property, one is on the north end of the property and the other one is midway I think you can probably see them. In order to access those two towers

from Nine Mile Road there is an easement that runs from Nine Mile Road directly north passing by that mid tower and then going on up to the end of the property where the north tower is located.

Ms. Elizabeth Tucker – That easement does exist in a drawing that was prepared by AT&T when they established their tower on the north end of the property. I will look that up and get that to the surveyor so that he can draw it in.

1D – I don't understand the verbage here.

Chair Howard – I think the best way to go about this is let me hear the Secretaries correspondence and then Mr. Wuerth will have an opportunity to speak on the items. Now were there any items that you had besides the four that you had issues with or any problems with because I think a lot of it is just clarification of terms.

Ms. Elizabeth Tucker – I will go to the ones that I have a problem with.

1E – We have never done that, at one point my tenant's had some pallets and they put them out there instead of going into a landfill, they offered them free to anyone that wanted to take them.

1F – This is another mistake that the surveyor has done there's no gravel on the concrete out there. Originally the lot was some concrete and a lot of dirt but there's not gravel, it's millings. The surveyor said if they were cold rolled they weren't as firm as if it was steam rolled so we are looking into that as a possibility.

Mr. Dave Domas – Some of the property has been covered with millings that have come up and the material was brought in and rolled in place. After a period of time it shows wear and so it could be filled in and rerolled.

Ms. Elizabeth Tucker – If there is any gravel out there it will be removed.

1G – The surveyor has to take care of that for you I can't do it.

1H – As of now when any of the lightening was put up none of it ever was ever focused on up into the sky or on anybody else's property it's all intended for the use of the property. And the only two poles we have there are utility poles that belong to DTE.

1I – This is another thing that the surveyor will have to take care of.

1J – This lady that did the inspection she definitely told us that all she wanted was for that trash bin to have the cover kept closed. So I went and asked her if we had it fenced in would that be less costly and she said you don't have to have it enclosed all you have to do is keep the top covered.

1K – There were two different locations where we had this barb wire and one was on a little section of the fence on the front by Nine Mile Road, that's been removed, but there is a barb wire on the south tower which is the one closer to Nine Mile Road. I called Crown Castle and I spoke to a lady named Sandy and she said we were told about that a couple months ago she said we were only told to take it off the north tower, which there never was any barbed wire on that at all. The inspector was referring to the south tower which is Crown Castle's tower. She said we called the City of Warren and they said that we didn't have to take it off.

Mr. Dave Domas – If you wish we will see to it that it's gone.

Ms. Elizabeth Tucker – I can't take it off somebody else's property. However, I did get a call from someone today that works for Crown Castle lives in the City of Warren and he said if you still want that to come off they would take it off. He said if somebody wants to get in there they can cut the fencing anyway. So what should I do about that?

Chair Howard – I think the best thing for us to do is this, I think a lot of the recommendations are that you're just not clear in the interpretation with Mr. Wuerth. What I'm going to do is allow Mr. Secretary to read the correspondence and Mr. Wuerth will go through the recommendations and I believe that he can expound on that better to bring some clarity. I think he'll be able to bring some clarity to this. I don't want you to be confused and I don't want you to feel as though we are imposing some unjust pressure upon you I think this is going to be very simple.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

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

1. All parking areas shall be hard-surfaced with concrete curb and gutter around the perimeter unless a variance has been obtained. If a gravel area shall have a concrete collar.
2. The legal description does not match city and county records.

Mary Clark CER-6819  
July 11<sup>th</sup>, 2016

3. The plan shall show the locations of existing utilities and any corresponding easements.
4. Show adjacent agreements/easements with the cell tower companies or adjacent parcels on the plan.

**DTE:** Approved.

**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 storage areas.

Mr. Ron Wuerth reads the recommendations of the Staff:

\*\*I will strike out trash enclosure so maybe you might want to change the bond and make it a little lower I'll leave that up to the Commission.

**PUBLIC HEARING:**

Mr. Joseph Hunt – I've driven by the facility there on Nine Mile and I'm in favor of the petitioners request for open storage. I was listening to the contingencies and the recommendations so I went on my phone internet and I noticed that this is like over 4 ½ acres and primarily from the pictures themselves it looks like there's plenty of space for open storage. I believe that basically there's a lot of issues associated with updating the site plan and it does sound, through the discussion, that the surveyor didn't take into consideration all the considerations within the application that Mr. Wuerth read off.

Primarily because the overhead view allows for the ability to take a look at specifically where the concrete is and where the rolled gravel is. I think the issue here is that this is more of a permission to permit open storage in an area that the buildings have been around since 1922. Of course the issue associated with the barb wire and it would seem to me that why would it be that these utilities are actually constructing towers and putting up barb wire. I would think that basically from what I'm able to see here on the sub-partials the Sprint Nextel, AT&T Mobility, Team Mobile, Fiber Network Services, that basically one of the many people that are in charge of the towers should be notified by the city to stop putting barbed wire on other people's property or other people's easement. I don't think it's something the petitioners should have to go through, they are the ones that are the sub-partial and that shouldn't prevent the acceptance of their request to the Planning Commission for permission to use open storage on 4 ½ acres of land. I'm taking a

look at the taxes here and they spend over \$10,000.00 dollars here in the City of Warren to own this property so I think this Planning Commission could give them leverage.

As far as these the trash enclosure, they are asking for permission to do something that is in an M4 district anyway. But I think there's a heavy burden that's being placed upon the petitioners to create structures and I don't think that's necessary. I think that basically with the structure itself even though the city uses Google Earth when I look at things I look at Macomb GIS and it's not really their fault that the surveyors description of the land that the city has and that of the County doesn't match. The County records are supreme so the real question comes down to are the City records out of date with the Counties and the records that are on the site plan taken from the County are the correct ones. Why should the burden be on the petitioner on who's right, it should be up to Warren to look at the County records it is on line. Like I said I'm in favor for the petitioners request for the permission for open storage, as is, without all these contingencies aside from the barb wire, because I don't like barb wire. The petitioners have been long time property owner in the city and this whole entire deal of creating landscape berms and removing things that's just cost prohibited and all this really is permission to use open storage in an open storage area. I'm in favor of this it sounds like the surveyor has not done what was necessary on the site plan. I'm in favor of this if you're not maybe we should table it until the next session all they want is permission for open storage and there's plenty of space.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – Mr. Wuerth if and in fact the dumpsters are behind the building where they can't be seen and they wouldn't have to create a trash enclosure how much would it lower the estimate regarding the bond?

Mr. Wuerth – Probably about half.

Assistant Secretary Smith – Are you saying the estimate would be about \$15,000.00 which would change the bond to \$450.00.

Vice Chair Kupiec – I was going to ask the Planning Commission the same thing and ask to make it a cash bond.

Chair Howard – Based on Mr. Wuerth’s comments it’s just a matter of placement, having that put on the plan, moving that to the rear of the building, out of the way of the general public. Are you in favor of reducing the bond to \$15,000.00 dollars with the \$450.00 cash bond?

Assistant Secretary Smith – Yes.

Secretary McClanahan – I also support that.

Chair Howard – We will make that adjustment the estimate to \$15,000.00 dollars with a \$450.00 cash bond.

Vice Chair Kupiec – I would strongly recommend that the petitioner meet with Mr. Wuerth and the Staff and go over these line items where he can sit down and explain to them what they need to do.

Chair Howard – I agree, I believe most of the confusion this evening had to do with the surveyor and not really communicating what was necessary on behalf of the city, the surveyor, Ms. Tucker, and Mr. Jerome. I think that once they meet with Mr. Wuerth I think we’ll have a great site plan. Mr. Domas, we are going to take the vote as Vice Chair Kupiec indicated. I would suggest maybe over the next week or so meet with Mr. Wuerth. If the Commission approves it it’s a two year site plan approval so you have some time to work through this to get all of the recommendations.

Mr. Dave Domas – I appreciate that Madame Chair we will work with Mr. Wuerth and work our way through all of these areas of clarity and lack of clarity on our part. If we have to come back here you’ll be very proud of our presentation.

Chair Howard – Thank you so much. That was a motion by Assistant Secretary Smith supported by Secretary McClanahan with the option of removing the trash dumpster having that moved to the rear of the building. We are reducing the bond from \$30,000.00 to \$15,000.00 with a \$450.00 dollar cash bond.

Assistant Secretary Smith – Also with the change of the 150 feet from the right-of-way for the open storage to 200 feet.

ROLL CALL:

The motion carried as follows:

Assistant Secretary Smith.....	Yes
Chair Howard.....	Yes

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

- E. SITE PLAN FOR OPEN STORAGE OF TRUCKS, METALS AND MATERIALS: Located on the east side of Hoover Road; approximately 1,205 ft. south of Nine Mile Road; 21950 & 22510 Hoover Road and 22679 Nagel Street; Section 25; Robert J. Tobin (BES Group).

PETITIONERS PORTION:

Mr. Robert Tobin – This is a very large site consisting of 4 acres that has access to Hoover Road and Nagel Street. The site is zoned M2 and M3 which are the proper zoning for this company which requires a large amount of outside storage because it is a demolition company. The owner purchased the site from a landscape company which was ideal for their operation also. The site has three buildings that are essential to the operation. Building A, the big building, is 23,000 square feet, it's an office and a shop. Building B is a material storage building of 9902 square feet, building C is a repair shop of 6600 square feet. We're not able to provide 33,356 square feet of off street parking, we can only provide 16,793 so we'll have to go to the Board of Appeals to waive the parking.

The south property parcel 2 is hard-surfaced with asphalt paving and storm drainage it is zoned M3. The north parcel number 1 & 3 received ZBA approval in 1998 to allow the site to be surfaced with crushed aggregate so the whole site is approved the way we presented it at this meeting. In order to conduct his business the owner requires five separate outdoor storages. The outdoor storages are in yellow if you can see that there's a lot of outdoor storage. Outdoor storage number one contains metal buckets for front loaders, outdoor storage, number two contains metal storage racks and steel storage. Outdoor storage number three contains miscellaneous metals, metals stairs. Outdoor storage number four contains large metal containers, and outdoor storage, number five contains dumpsters, scrap metal and container trucks.

We therefore request this Boards approval of these outside storage areas where the owner requires these storage areas as they are necessary part of his business operation. We do go along with all the recommendation made by the Planning Department.

Secretary McClanahan reads the following correspondence:

Mary Clark CER-6819  
July 11<sup>th</sup>, 2016

**TAXES:** No Delinquent Taxes.

**ENGINEERING:** The parcels should be combined.

**DTE:** Approved.

**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 storage areas.

Mr. Ron Wuerth reads the recommendation of the Staff:

\*\*Add a new condition number 2 – The petitioner to supply new slats on the fence and gate along Nagel Street. The old condition number two is now condition number 3 with new rewording. The site plan shall have a limited approval time based upon the expiration date of the agreement between Blue Star Inc. and Chargot Inc. of October 31, 2018. The petitioner shall at this time communicate with the Planning Commission regarding the function of the site after the lease expires and entertain the option of continuation of the site plan or a new site plan or no site plan at all for the open storage of the materials. Also strike the condition by Engineering that says parcels should be combined. Just a comment, the barbed wire I'm not so sure it belongs to the petitioner along the south property line. I guess research will reveal it, it might belong to the people who are abutting to the south.

**PUBLIC HEARING:**

Mr. Joseph Hunt – As this is in the industrial section of the south end of the city I'm strongly in favor of the plan and specifically I was going to address the issue of the barbed wire but if it's not the petitioners then of course it's not an issue. And with the lot split and combination that's just a lot of additional paperwork I go down Hoover a lot because Karen Spranger lives in the neighborhood on Van Dyke and the idea is that this is revitalization of the industrial neighborhood. I think replacing those slats would make it prettier. I don't actually see any reason that the petitioner BES Group out of Algonac Michigan should be denied, I think it's a great plan.

**MOTION:**

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

PETITIONERS PORTION:

Assistant Secretary Smith – In regards to the barbed wire I guess clarification on whose barbed wire it is would be the first thing, but if we look on the 2<sup>nd</sup> page of our findings back on April 8<sup>th</sup>, 1998 the Board of Appeals granted the petitioner permission to do certain things but one of the stipulations that applied that there will be no barbed wire installed. So therefore we need clarification on who put the barb wire there or who it belongs to but back in 1998 it wasn't allowed to be installed. So whoever put it there did it without permission.

Vice Chair Kupiec – I would like to recommend to the petitioner that you meet with the neighbor and find out if it's your responsibility or their responsibility.

Mr. Robert Tobin – We know already, one of the owners is here tonight. That barbed wire is put up by the neighbors to the south years ago, so we have to talk to the neighbors to take it down it does not belong to them. We will have to talk to the neighbors about taking it down.

Vice Chair Kupiec – You've got to do that or visit with the Board of Appeals and Zoning Department and ask them to give them a visit.

Mr. Robert Tobin – We will go to the Board of Appeals I think we will do that.

Vice Chair Kupiec – Also I'd like to recommend to the maker of the motion that we make it a cash bond.

Chair Howard – Assistant Secretary Smith you're the maker of the motion?

Assistant Secretary Smith – That's fine.

Secretary McClanahan – That's fine.

Assistant Secretary Smith – Also with the changes of the cash bond and also number 2 of the recommendations about the new slates on the fence on Nagel Street.

ROLL CALL:

The motion carried as follows:

Assistant Secretary Smith.....	Yes
Chair Howard.....	Yes

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

- F. SITE PLAN TO ENCLOSE DINING AREA FOR THE OASIS RESTAURANT: Located on the northwest corner of Twelve Mile and Mound Roads; 5709 Twelve Mile; Section 8; Ron Yaldo (Chester Stempien).

PETITIONERS PORTION:

Mr. Ron Yaldo – I'm representing Oasis Restaurant and Family Business Owner I'm here regarding enclosed existing outside seating area. Previously in 2010 we had approval for a proposed outside seating area and now I'm here to discuss to enclose that existing outside seating area. Recently the side and the dining area is surrounded by 3 foot metal fence around the whole dining area with 2 gates the same height on both sides for people to get in. I'm proposing to remove the existing fence with the two gates and replace them with 42 inch masonry wall and later cover it with a window around the leading edge of the dining. Upon the approval Unique Service and Chester Stempien will be providing five copies of revised site plan and five copies of the renovation and any detailed layouts will be submitted to the City of Warren Building Department.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

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

1. Proposed seating area will eliminate the ability to pedestrians from the adjacent parking spaces to use the side walk in order to gain access to the building.
2. The location of the proposed seating area does not allow for the typical two feet of vehicle overhang.

**DTE:** Approved.

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

1. Meet all the requirements of the 2012 Edition of the Michigan Building Code.
2. 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.

Ms. Michelle Katopodes reads the recommendations of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Commissioner Robinson – What would be the height of the concrete masonry wall?

Mr. Ron Yaldo – 42 inches.

Commissioner Robinson – And then the rest would be windows?

Mr. Ron Yaldo – Yes.

Commissioner Robinson – Mr. Wuerth does the curbing around this area need to be a little higher since it's so close to parking with the outside seating there because it looks rather short. Is there any recommendation on that curbing being a little taller than that or is that sufficient?

Mr. Ron Wuerth – Well the curbing I believe is 6 inches the only concern last time had to do with the width of the curbing between the building, leading edge of the dining area and where the tires of the cars would actually hit the curb. In the last site plan they made it wide enough for people to be able to walk through there so we feel that's been corrected.

Commissioner Robinson – So that's sufficient if they put the wall in?

Mr. Ron Wuerth – Yes we believe it is.

Assistant Secretary Smith – I was by there today and I looked what you had out there existing and I noticed it goes past the side entrance door but with the new design it's shorter.

Mr. Ron Yaldo – All the existing that we have is going to be removed.

Assistant Secretary Smith – I understand that but the new is shorter and I noticed the tables and chairs in the area now and then you also have the tables and chairs out front which is not allowed. Is that

going to cut your seating down by not having all those tables and chairs?

Mr. Ron Yaldo – Yes, but we are willing to do that.

Assistant Secretary Smith – It will still benefit you being shorter with less tables and chairs?

Mr. Ron Yaldo – Yes.

Assistant Secretary Smith – So the door that's on the side that's included in that now will be wide open to the outside it won't be into the addition?

Mr. Ron Yaldo – The existing two gates that we have are going to be replaced by the two doors.

Chair Howard – We did receive a letter from OUR Credit Union in support of this, Mr. Secretary can you read this into the record as well.

Secretary McClanahan – Dear Commission, I am writing on behalf of OUR Credit Union, located at 5625 Twelve Mile Road, Warren, MI 58092 and request to enclose the dining area at the Oasis Restaurant.

We support Oasis Restaurant and their request and see no reason that this should not be approved. Sincerely Jeffrey Glaser, Marketing Director, OUR Credit Union.

Vice Chair Kupiec – As Assistant Secretary Smith eluded to it appears from what you're doing it is going to reduce your capacity for people?

Mr. Ron Yaldo – Yes sir

Vice Chair Kupiec – So you agree that you should not have those tables and chairs out front?

Mr. Ron Yaldo – Exactly, I'm looking forward to have this space used in the winter time that was the whole intent. It won't be only temporarily, or occasionally, or seasonal for summertime.

Vice Chair Kupiec – So as far as this new enclosure you're going to heat it and air condition it?

Mr. Ron Yaldo – Yes it will be treated just like inside the restaurant.

Vice Chair Kupiec – And you’re going to shut down the front patio area with the tables and chairs on Twelve Mile Road?

Mr. Ron Yaldo – Yes, the existing outside seating area is going to be enclosed. We will still have people there sitting and having lunch and dinner the only thing I’m doing is being able to use this area in the winter time. It doesn’t matter to me if I lose two or three tables.

Vice Chair Kupiec – As Mr. Wuerth indicated in his findings the front side towards Twelve Mile Road where you have the tables and chairs on the side walk that’s illegal to do that.

Mr. Ron Yaldo – I’ll take that all out.

Vice Chair Kupiec – You’ll take them out and not use them even in the summer time?

Mr. Ron Yaldo – Correct, I agree with you.

ROLL CALL:

The motion carried as follows:

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

G. SITE PLAN APPROVAL FOR BUILDING ADDITION, CUSTOMER PARKING AREA AND VEHICULAR REPAIR PARKING AREA:

Located on the northeast corner of Ten Mile and Schoenherr Roads; Section 24; 25028 & 25058 Schoenherr Road; Christopher Morissette (Dennis Dewulf).

Mr. Ron Wuerth – We started reviewing the site plan and it was obvious there was some concerns and of course one of the biggest concerns had to do with the taxes. These items have to be completed, the taxes paid, and the site plan changes and corrections made. So there was discussion, contact with the petitioner and the petitioner’s representative and the final resolution was that we were going to table this indefinitely until they can get things resolved.

**MOTION:**

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

**ROLL CALL:**

The motion carried as follows:

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

- H. **SITE PLAN FOR GAZEBO ADDITION TO RELIGIOUS FACILITY:**  
 Located on the south side of Fourteen Mile Road; approximately 885 ft. east of Ryan Road; 4300 & 4320 Fourteen Mile Road; Section 5; Yousif Odisho (Holy Apostolic Catholic Assyrian Church) (Adil G. Moosa).

**PETITIONERS PORTION:**

Mr. Yousif Odisho – I represent the Church. We started in the location in 2007 with 150 families, by 2016 we have over 730 families in this church. We work with our people and one idea was instead of that empty area build a Gazebo there for the summer time for our elderly people and families to sit there and gather and view the beautiful summer days. We have the site plan and if there’s any other conditions from the City of Warren we would be happy to go along with the conditions to get approval.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

**DTE:** Approved.

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

1. Any proposed improvements within the Fourteen Mile Road right-of-way will require approval from the Macomb County Department of Roads.
2. The legal description does not match city and county records.
3. The line of work and bearing/distance labels make it appear as though the gazebo land area is a separate parcel. The plan should be made clear that the entire site is a single parcel.
4. The existing 20’ wide drive is not adequate for 2-way traffic. This lane shall also have concrete curb and gutter.

5. A joint access agreement is required and should be shown on the plan.
6. The plan shall show the locations of existing utilities and any corresponding easements. There shall be no permanent structure over an easement.
7. The parking lot striping does not appear to match existing conditions.
8. The increase in impervious area may impact the existing storm water collection system. Detention may be required.

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

1. Meet all the requirements of the 2012 Edition of the Michigan Building Code.
2. 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.

Mr. Ron Wuerth reads the recommendation of the Staff:

**\*\*Remove number 4 of Engineering recommendation\*\***

**MOTION:**

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

Mr. Imad Potres Kesto – I would like to thank Mr. Wuerth for his comments. I am the Design Corporation who will preparing this for the Church and unfortunately I just received those on Friday so we didn't get a chance to do the revisions and submit the revised site plan, but for sure we will do so. I will go over all these comments and try to comply with all of them.

I did know about the landscaping issues since 2006 I thought we were just doing that landscape area where it was a separate parcel but it's owned by the church also the Big Boy property is owned by the church. So when I prepared the plans for that particular parcel I didn't mention things that were mentioned by Mr. Wuerth. Now we know what's required so we will comply as much as possible with all these items.

Chair Howard – Excellent because there are three or four pages so I would suggest for you to take some time and go over it with Mr. Wuerth and whatever things you need to add to the plan should be fine.

COMMISSIONERS PORTION:

Vice Chair Kupiec – There's quite a few issues here that need to be understood and reviewed with you and the Planning Department and it sounds like you're willing to do that and will cooperate with the Planning Department. You actually bought the Big Boy Restaurant and all the property?

Mr. Yousif Odisho – Yes sir.

Vice Chair Kupiec – Are you going to tear the building down that sits there, the Big Boy building?

Mr. Yousif Odisho – No, it stays as it is, the building is staying and we are using the parking lot for extra parking for the church.

Vice Chair Kupiec – Any plans to use the building?

Mr. Yousif Odisho – We tried to lease it a few times and we had no success with that so we will keep it for the church for activities for our youth activities, bible study or things like that stuff.

Vice Chair Kupiec – So your main concern was to get some additional parking for your parishioners and to lease the building out somewhere down the road?

Mr. Yousif Odisho – Yes.

Vice Chair Kupiec – Like indicated by Mr. Wuerth, driving in there is like driving in a maze it's really difficult to maneuver through the place. I imagine people, particular older people, have a difficult time figuring out where to go until they get familiar with the traffic pattern. So hopefully with the addition of the Big Boy it's going to make it a little easier to get in and out of the place and you can put signs up to direct traffic where to go and how to get there.

Mr. Yousif Odisho – Yes whatever is required by the city, to be honest with you some of the signs have been put up by volunteers to guide from experience. Whatever flow the Engineering Department designs for us we will remove the signs and put up the new signs. The only thing we have is some big trucks that come park in there we put signs up and that's where the parking lot is destroyed.

Vice Chair Kupiec – Well put your signs up and once you get your signs up just call the police department and make a report and they'll advise those trucking companies to get out of there because they shouldn't park there without your permission.

Mr. Yousif Odisho – We will.

Vice Chair Kupiec – Mr. Wuerth earlier in your recommendations you mentioned a bond was not replaceable. The letter stated the bond could not be released for the following reasons, what bond are you referring to?

Mr. Ron Wuerth – The bond from the previous approval.

Vice Chair Kupiec – So there is an outstanding bond?

Mr. Ron Wuerth – There is, it's in the finding it's page 2 under E note 1, it's a \$1275.00 cash bond that we hold.

Vice Chair Kupiec – Okay so there's an existing bond and we have another bond that's being recommended?

Mr. Ron Wuerth – That's correct.

Vice Chair Kupiec – I'm going to recommend to the maker of the motion that we make this a \$960.00 cash bond.

Secretary McClanahan – That's fine.

Assistant Secretary Smith – The landscaping that's indicate on the landscape plan from May 12<sup>th</sup>, 2003 and was received March 9<sup>th</sup>, 2006 has never been completed. Why has it taken so long to complete the landscaping that was originally approved?

Mr. Yousif Odisho – To be honest with you sir we don't have any idea, we just found out on this paper that we received on Friday. Every four years we have a new committee come into the church so it's not the old committee. What we knew about the landscape was just the grass for 10 years, we didn't get any letters from the city. When we got proof of occupancy when we opened the church we thought we were all set. We will be happy to go over it and finish it.

Chair Howard – Thank you so much for your willingness and also your compliance with the recommendations. As we stated before get with Mr. Wuerth to go through the recommendations and to complete that. With that being said that was a motion by Secretary McClanahan supported by Vice Chair Kupiec with the change of it being a cash bond in the amount of \$960.00 dollars.

ROLL CALL:

The motion carried as follows:

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

7. CORRESPONDENCE

Iona's Consent Judgment to the Planning Commission.

MOTION:

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

Assistant Secretary Smith – Mr. Wuerth, at the end of the consent there was a recommendation, was that part of what was there before or was that added later in exhibit 3 on your recommendation?

Mr. Ron Wuerth – No, those are part of the old ones.

8. BOND RELEASE

- A. SITE PLAN FOR BUILDING ADDITION: Located on the west side of Groesbeck Highway approximately 1,000 ft. south of I-696 Service Drive; 26395 Groesbeck Highway; Section 24; M-97 Auto Parts (F. Yousif). Release of Surety Bond for \$1000.00 paid on June 9<sup>th</sup>, 1987.

MOTION:

A motion was made by Assistant Secretary Smith to release the bond, supported by Commissioner Pryor.

ROLL CALL:

The motion carried as follows:

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

Commissioner Robinson..... Yes

- B. MINOR AMENDMENT FOR OUTDOOR SEATING AREA:  
Northwest corner area of Twelve Mile and Mound Roads; 5709 Twelve Mile Road; Section 8; City of Warren. Release of cash bond in the amount of \$500.00 paid on December 16, 2010.

MOTION:

A motion was made by Assistant Secretary Smith to release the bond, supported by Commissioner Pryor.

ROLL CALL:

The motion carried as follows:

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

- 9. OLD BUSINESS

- A MINOR AMENDMENT TO SITE PLAN FOR STORAGE SHED ADDITION: Located on the east side of Groesbeck Highway between Toepfer Road and Couwlier Avenue; 21614 & 21626 Groesbeck; Section 35; Jeff Sharpe (Kem-Tec, Anthony T. Sycko Jr.)

PETITIONERS PORTION:

Mr. Jeff Sharpe – We received your recommendations on Friday and I think we have a couple questions. One was for recommendation number 5, according to Engineering Division parcel number 13-35-333-001 is the main address of 21626 Groesbeck with 10 sub addresses. Actually the parcel number 13-35-333-002 that address is 21644 I don't know if it needs to be corrected they have 21614 so I just wanted to note that. It is recommended that the petitioner contact the Engineering Division to determine if all the associated addresses are still valid, I was unsure on what that meant. And then another thing there is a wooden fence on the one side of the lot that was actually put up by the neighbor it's not even on our property so we are not sure what to do with that because obviously it's not on our property. I know the city has been fighting with his house for a while I don't even know if he lives there anymore to be honest with you. I see the dumpster was part of the recommendation that will be

kept in the shed and we can have the surveyor note that. I think the other one that we are a little confused about is recommendation number 3 the two parcels identified as 13-35-333-001 and 002 must be combined into one apparent parcel, I don't know what that means.

Mr. Jim Sharpe – The one fence is noted the back fence that is 4 foot it is on the site plan I'm not sure if that's what he's looking for or the fence on the front.

Mr. Jeff Sharpe – We are new to this, basically we have the existing shed there we were looking to put up a new one or repair the old one. I guess the issue was that it wasn't on the original site plan because it's probably from the 40's or 50's.

Secretary McClanahan reads the following correspondence:

- TAXES:** No Delinquent Taxes.
- DTE:** Approved.
- ENGINEERING:** The parcels should be combined.
- FIRE:** Approved.
- MDOT:** Approved.

Mr. Ron Wuerth reads the recommendations of the Staff:  
 \*\*They referred to condition number 5 with the Engineering Division, yes just contact the Engineering Division and give them the numbers to the properties and talk about the addresses. When it comes to combining the properties there is a procedure and what happens is the identification numbers that are assigned to the parcels we'll combine it into one, it will be one tax. Eliminate the wood fence part it's off the property.

MOTION:  
 A motion was made by Assistant Secretary Smith to recognize as a minor amendment, supported by Vice Chair Kupiec.

ROLL CALL:  
 The motion carried as follows:

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

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – I did notice that there was a dumpster on the property when I was by there today are you proposing to store your garbage inside?

Mr. Jeff Sharpe – Yes.

Assistant Secretary Smith – So that dumpster would normally be inside then and just brought out to be dumped and then it would be put back on the inside?

Mr. Jeff Sharpe – Yes and I can have that noted on the new one. There's a shed there right now, it's dilapidated, it wasn't that bad but then a truck hit it so it's unsafe. But I think inside looks better than zoned off, I've seen people have the zoned off one with the chain links if it's inside it's out of sight.

Assistant Secretary Smith – That was my concern because if it's outside then there has to be an enclosure which is going to increase the amount of the estimate which is going to increase the bond, if you're going to have it inside it will make a difference.

Mr. Jim Sharpe – Inside the new shed because we don't want to put it in the existing shed we are worried about it falling down on one of our employees.

Vice Chair Kupeic – What are you using the shed for?

Mr. Jeff Sharpe – Basically that shed is just storage that's what it was being used for and will be used for.

Vice Chair Kupiec – Equipment and tools?

Mr. Jeff Sharpe – Yes basically just inventory, it's overflow from what we have inside now.

Vice Chair Kupiec – What kind of business are you in?

Mr. Jeff Sharpe – Industrial equipment sales, service, and repair.

Vice Chair Kupiec – Do you repair equipment also?

Mr. Jeff Sharpe – Yes.

Vice Chair Kupiec – Okay thank you. Also there was a recommendation to increase the bond to \$10,000.00 dollars so I would suggest that we do that and make it a \$300.00 cash bond.

Chair Howard – Secretary McClanahan you were the maker of the motion?

Secretary McClanahan – Yes, no problem.

Assistant Secretary Smith – Yes.

Chair Howard – And also we are going to eliminate item number 4.

ROLL CALL:

The motion carried as follows:

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

- B. SITE PLAN FOR NEW CUC BUILDING IN THE GM TECHNICAL CENTER: Located in the northeast corner of Mound and Twelve Mile Roads; Section 9; 30100 Mound; Jason Harris. Request to withdraw site plan. Originally approved on November 16, 2015 Planning Commission Meeting.

MOTION:

A motion was made by Secretary McClanahan to withdraw site plan, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

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

10. NEW BUSINESS

Presentation on Placemaking by Jason McClanahan, Planning Commission Secretary, to fulfill Citizen Planner Program capstone presentation requirement to become a Master Citizen Planner.

Secretary McClanahan – Recently I was fortunate enough to attend the Michigan Citizen Planner Fundamentals of Planning and Zoning. Michigan State University certified the participants upon completion. We had several different expert instructors teach the lessons, the training was informative and beneficial to the Business that the Warren Planning Commission deals with. Several other Planning Commissioners, Planning Staff, and Warren Representatives attended. There was participation from several other communities' people from Detroit, Macomb, Oakland, Wayne, and various communities from the State attended.

It was nice to interact with different cities that were all at different developmental stages in their communities. It was encouraging to see so much love from citizens for their home towns. Everyone had the common goal of just making their neck of the woods a better place to grow and have a family. I am proud of the Warren Planning Commission for taking this duty so seriously, as most of the Board has attended this training. The training was full of information and well-presented. Terry Gibb and her staff rolled out the red carpet for the students. At every meeting snacks and drinks were provided on the final class period an ice cream was provided.

Placemaking is something very important to our community. What is Placemaking it's is a multi-facet approach to the planning, design, and management of public spaces. Placemaking capitalizes on a local communities assets, inspiration and creating public spaces that promote people's health, happiness, and wellbeing. Placemaking is very relevant as we deal with Warren's Master Plan. Simply put Placemaking is forward thinking planning that creates a thriving community. Warren is an older city the Mound property was pretty much the last undeveloped land in the city so Warren has a unique situation to plan. A lot of the previous planning did not take Placemaking into account some planning was done without taking the big picture into account. As a Planning Commissioner it is imperative to do what is best for the residents now and long term.

A trend that happened years back across the country was the development of strip malls. We see this in Warren, a strip mall is built at the intersection and another strip mall is built at the next intersection and so on. The first built strip mall starts to lose tenants

up the road to the next strip mall and so on, how many strip malls exist in Warren with vacant stores, quite a few is the answer. Does this mean strip malls are bad, of course strip malls are not bad the problem is not seeing the bigger picture and developing with a sense of community in mind. Through Placemaking and forward thinking planning thriving communities can be achieved.

Warren is in competition with other communities for residents and tax revenue through Placemaking we can help make Warren appeal to various demographics. This class was very helpful, I am honored to be able to take the knowledge learned and help the hardest working greatest city in the world Warren, Michigan thrive for upcoming generation.

Chair Howard – Thank you Secretary McClanahan it was a pleasure to be your seat mate you were such a great student.

11. CITIZEN PARTICIPATION

None at this time.

12. PLANNING DIRECTOR'S REPORT

Michelle and I attended something called the Iron Belle Bike Path meeting and that's to try and decide where this bike path that's going to go throughout the State of Michigan, parts and pieces already being constructed, how it would find it's way through Warren it's quite a process and there's still a lot to do. I had a lot of meetings, I guess the only notable one would be with Mr. Tobin who was here tonight he's doing a site plan for a new Dairy Queen and that would be at Rivard and Van Dyke. He's on his third redesign of that site because of unusual conditions. It's a good spot for one, frankly they need a restaurant it's a drive-thru and I think it will work out fine. So with that that's the Director's Report.

13. CALENDAR OF PENDING MATTERS

None at this time.

14. ADJOURNMENT

MOTION:

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

The meeting adjourned at 10:11 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)

APPROVED