

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on August 22nd, 2016, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, August 22nd, 2016, at 7:00 p.m. in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners present:

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

Also present:

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

1. CALL TO ORDER
Vice Chair Kupiec called the meeting to order at 7:08 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
Vice Chair Kupiec – Chair Howard has requested a excused absence for tonight she's out of town.

MOTION:

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

4. APPROVAL OF THE AGENDA

MOTION:

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

5. APPROVAL OF THE MINUTES – August 8th, 2016

MOTION:

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

6. PUBLIC HEARING ITEMS:

A. SPECIAL LAND USE PERMIT FOR NEW FITNESS CENTER:

Located on north side of Old Thirteen Mile Road; approximately 350 ft. west of Chicago Road; 8399 Old Thirteen Mile Road; Section 3; David and Jacob Young (Kerm Billette). **TABLED.**

MOTION:

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

PETITIONERS PORTION:

Mr. Kerm Billette – I'm here tonight representing the petitioner which is a lessee of a building on Thirteen Mile Road he wants to use it for a fitness gym. I think the last time we had discussion on this recommendations were made to patch the parking lot and to do some other items. The parking lot has been patched with gravel in the back where the holes were, the bumper blocks still had to be taken care of there's a thing about taking the trucks away I think they are all gone except one or two trucks. I had the conversation with the owner who says that even though I was to get a recommendation from the City Attorney as to the language for trespassing from one property to the other, I didn't pick it up yet because the owner says he will not sign it. I indicate on the drawing the same type of wording that gives permission to the adjacent property owner and that says unrestricted vehicle access provided by the Bavarian Center, that's owned by Mr. Oram, on January 27, 2013. That's revocable by either party they can put a fence across there or whatever they want but under the agreement neither one can close it.

I think there's one thing to look at that this type of wording on the drawing has been used on three or four other drawings that I've done. It seems to work out okay, that the openings have been left open there's no argument between the persons that have the opening between properties.

We are here tonight with the lessee of the property that wants to put the fitness gym in and can explain the type of facility he has. He can describe his partnership with the owner of the property as a lessee for a 50 x 50 portion of the shopping center.

Mr. Jacob Young – I'm asking for your approval to open up a fitness center. This is a place where there are weights but it's more than just weights this is a place where people are going to go and they're going to become the best versions of themselves. Not only am I going to be training clients I will have trainers there as well. We have changing rooms for both males and females. I don't see why anybody would oppose this I am here asking for your approval to go ahead and move on to finally be able to operate as a fitness center.

Mr. Kerm Billette – There was a question before about the planting of trees on the easement out in front. I received a copy of the ITC who owns the transmission lines they say the things to plant underneath the line. There is grass five different kinds of grass you can plant. You can plant daises, marigolds and some other stuff nothing higher than about 12 inches. The trees can be planted outside of the 50 foot further away because if they fall they drop across the power lines. Beyond 50 feet either side you can put a garden and you can put a parking lot like we've done right here for this property. You can't have any vegetation underneath the line they list about 15 different kinds of flowers and five or six different kinds of grass that you can plant and that's it. Anything else there they say their company patrols them and they will cut down anything that doesn't belong there.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

DTE: Approved.

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

1. It appears no exterior civil engineering improvements are proposed at this time, however it should be noted that several items do not conform to City of Warren standards. The plan should address the following items and if exterior work is

proposed in the future, additional comment will be issued by the Engineering Division.

2. Indicate all proposed and existing utilities and any corresponding easements. No permanent structure shall be constructed over any proposed utility or easement.
3. Per the flood insurance rate map, it appears the southwest corner of the site is within the regulated floodplain and shall be shown as such on the plan. If there is any proposed work in this area a permit will be required.

FIRE: Approved.

Mr. Ron Wuerth reads the recommendations of the Staff:

****Before I start reading the recommendation I'm going to just read a part of the current status of the application that addresses the issue of the tabling from two weeks ago**.**

So on August 8th, 2016 the Planning Commission voted to table the special land use for a new fitness center. The Planning Commission tabled the above mentioned item because of the following rule in the bylaws and that is. Should an item requiring five concurring votes from seated Planning Commissioners not receive the requisite five votes either in favor or against the item the item is automatically tabled to the next regularly scheduled Planning Commission Meeting. Should the item fail to receive the requisite five votes a second time the item is considered denied, so that is the exact reason why we are here again, there weren't five votes obviously. So with that I'll read the recommendation.

Mr. Ron Wuerth - We will check where the 25 foot line is, the center of that easement and see how close it comes to the roadway along Old Thirteen if there's room enough to put trees there.

Mr. Ron Wuerth – Item 2 – The wording would be worked out with the attorney's office we don't have a document as of yet, but it's something that we felt that in cases where you can't get the two parties together that at least the person requesting the issue would be the responsible party and therefore a document like this might fit the bill.

Vice Chair Kupiec – Mr. Wuerth I wonder if we can have the City Attorney address this statement declaration document just so everybody understands what we are talking about.

Ms. Caitlinn Murphy – I'm coming up with a draft or a template. Basically our concern is that these ingress/egress are taken care of

that they don't close them off things like that. We have had a lot of issues with the neighboring property owners not wanting to sign these agreements. I think so more of a declaration which would just be a one sided thing from petitioner would suffice in these circumstances where they can't receive compliance from their neighbors.

Vice Chair Kupiec – Thank you do you understand that the Attorney is talking about, about the declaration?

Mr. Billette – Yes.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – I drove by the site again today for the 2nd time and I saw where they patched something in the back, to me it wasn't a very good job where they patched it in the back, the asphalt. But I understand that's a stipulation that we had talked about before but that's kind of on the owner, what we are here for tonight is just a special land use permit. So with that because of the issues with the parking lot stuff I'd like to make the bond a cash bond.

Secretary McClanahan – I support that.

Vice Chair Kupiec – So we'll move the bond to a cash bond.

Commissioner Rob – Mr. Wuerth so this is a conditional approval am I right?

Mr. Ron Wuerth – Yes it is.

Commissioner Rob – Because it's going to the City Council is that why we are having a conditional approval am I right?

Mr. Ron Wuerth – Yes the special land uses are approved by City Council.

Vice Chair Kupiec – Roll call with the correction in 1A and a cash bond.

ROLL CALL:

The motion carried as follows:

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

- 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 Oaha (Ron Construction Inc.). **Tabled (2nd).**

MOTION:

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

PETITIONERS PORTION:

Mr. Thomas Walcott – I'm Mr. Oaha's Attorney, he is the owner of the property and the owner of Ron Construction Inc. We are here tonight on a site plan review to add outdoor storage which basically was just something that he was already doing, didn't know that he couldn't. The outdoor storage is actually in a form of piggy back trailers, which are secured storage, they are not unsightly they are along the lot lines. So we are just asking for approval because it helps avoid rat problems, theft problems and all of the rest.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

DTE: Approved.

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

1. Outdoor storage areas must be hard surfaced with concrete curb and gutter unless a variance is granted.
2. The site shall comply with the City of Warren storm water ordinance.

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 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.

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

1. Many dimensions not included and does not scale.
2. What will be the traffic flow to the one way?
3. Appears to be an encroachment on neighboring property in north property line on the east side.
4. Property line should be continuous.
5. Building in front setback.
6. Parking and fence both in front setback.
7. Bumper blocks seem to block access to trash enclosure.
8. Parking length along common property line shall be 22 feet.
9. Maneuvering lane shall be 22 feet.
10. Certificate of compliance not complete (zoning still outstanding).
On 2-9-15 Occupant signed affidavit stating all outside issue: open storage, storage trailers etc to be removed, parking lot issues to be rectified, fence to be removed—all by 6-9-15. 6-23-16—no compliance. Three warnings sent to complete COC on: 6-23-15, 10-26-15 and 2-9-16. Ticket for no coc issued 9-8-15. Ticket adjourned several times due to working on site plan and possible ownership issues.

Mr. Ron Wuerth reads the recommendations of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Secretary Smith – As far as getting the certificate of compliance was that situation ever resolved as far as the violations on that?

Mr. Ron Wuerth – You saw the report from Zoning and no it's not been resolved, the resolution comes with the approval of this site plan and then with the petitioner following the site plan.

Mr. Thomas Walcott – The ownership issues have been resolved, my client clearly has clear title to the property at this time. The encroachment issue that property has been in the exclusive use of Mr. Orah and his predecessors since 1964. Clearly my client wishes to resolve that issue also and he's directed me to file a title

action in Macomb County Circuit Court because that property is clearly his. It's just the matter of somebody dropping the ball in 1964. The walls were approved, everything was approved and the walls were built, the encroachment existed. We believe that there were documents at one time that showed that my client's predecessors owned the property but we don't have those documents, so we have to establish that through the Circuit Court and there should be absolutely no problem in doing that.

Commissioner Rob – I think due to the violation and the compliance issue I would propose to make the bond a \$450.00 cash bond.

Secretary McClanahan – I'll support that.

Assistant Secretary Smith – I support that.

Vice Chair Kupiec – Have you had an opportunity to review the recommendations with the Planning Department and the Planning Staff?

Mr. Thomas Walcott – We thought we had addressed all the issues.

Vice Chair Kupiec – And you feel comfortable with everything that's on there, including the ownership of the property evidentially?

Mr. Thomas Walcott – There's no question about the ownership of the property, we have the recorded deed.

Mr. Rahim Oraha – We have a recorded deed and also I spoke with the people with the property to the north side and they don't know anything about it and that wall in the parking lot has been there since the building has been built and nobody knows anything about it.

Mr. Thomas Walcott – And the City is continuously issued Certificates of Occupancy for any new business going in there and there have been four businesses in there since 1964. My client himself has been there since 2004.

Mr. Rahim Oraha – And they've been issuing the Certificate of Occupancy for all of them. Nobody said anything about it until and I will do something about it, I'm not going to leave it like this no.

Vice Chair Kupiec – Has anybody ever determined who pays the taxes on it?

Mr. Rahim Oraha – I don't know anything about it nobody has mentioned it to me. Also the only thing I see on the east side we have a five foot split land Mr. Wuerth showed it to us at the city meeting. That was split in 1965 or 1964 and they mis-transferred the deed from that property to this property. It does show the owner purchased the five feet at the time, this is the only we you can get so many parking spaces. Otherwise you wouldn't be able to get any parking spaces, this is a reason why they didn't give them a permit to build unless you get so many parking spaces. Right now if I let the parking go give it back to that person I wouldn't be able to get so many parking spaces. He's requesting so many parking spaces what am I going to do tear the building down to get the parking spaces, I won't be able to do that.

ROLL CALL:

The motion carried as follows:

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

C. SITE PLAN FOR OFFICE ADDITION TO INDUSTRIAL BUILDING:

Located on the north side of Bart Avenue; approximately 578 ft. east of Dequindre Road; 2097 Bart Avenue; Section 30; Michael J. O'Leary (David Tratechaud).

PETITIONER PORTION:

Mr. Michael O'Leary – I work for Lindhout Associate Architects I am representing the petitioner this evening and I have the owner of Dart David here with me this evening. I'm going to start with the existing site plan which is represented on this board right here. Let me go over the site plan, down at the south end is Bart Avenue and the existing building is located here and then there's a vacated roadway. To the north of the building which is used by the petitioner to access overhead doors on the north side of the building and several of the neighbors also use that drive, alleyway, to access overhead doors on the backsides of their buildings.

We are proposing to build our addition in the alley way between the two large portions of the two buildings. There's a breezeway that

connects the two buildings that we will be demolishing in order to create the addition. Currently in that alleyway there are 13 parking spaces that we will lose as part of the addition and those parking spaces are nonconforming to today's ordinance. This right here is our proposed site plan, the addition that we are proposing in that alleyway is 6300 square feet approximately and with the addition we are going to have an enclosed dumpster corral because they, as a part of their manufacturing process, create shavings that will rust if they are hit with rain so they like to keep that covered so we don't have a disbursement of rust.

In the review letter one of the recommendations was to show a trash enclosure on the site plan, the petitioner is proposing that all the dumpsters will be located within that dumpster corral, which is covered and enclosed on two sides with the existing building. With this addition we are proposing a new parking lot on the south side of the building which is shaded in on the site plan. The parking lot will have 20 new parking spaces and as a part of that we are utilizing the existing curb cuts. We are also showing the restriping of the existing lot which will net 90 spaces in accordance with today's ordinance. The new parking lot is proposed to be landscaped along the south side of the parking lot with crab trees, silver leaf lindens, and crab apple trees to help shield and soften the look of the parking lot from Bart Avenue.

This right here is an aerial photograph, I noted down on the south side in red text where the parking lot is proposed and you can see it is adjacent to what is now vacant land across on the south side of Bart Avenue. The addition which is between the two existing portions of the building and we are utilizing half of it for new office space and half of it for manufacturing. On the floor plan you can see the dumpster corral on the north side of the addition right there.

We are proposing that we bring the two materials of each side of the addition together. For the façade we'll have split face block and we'll have insulated metal panel as part of façade materials. We are showing a pitched roof to somewhat help blend in with the neighboring properties which will be a red metal panel and then a steel canopy over the entrance. We are also proposing to paint the existing building to the east to help dress that up some to.

Secretary McClanahan reads the following recommendations:

TAXES: No Delinquent Taxes.

DTE: Approved.

Mary Clark CER-6819
August 22nd, 2016

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

1. Meet all requirements of July 22, 2016 Edition of the Michigan Building Code.
2. Maintain existing Fire Department 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.
3. Provide Fire Department lock box (knox box) as required by City Ordinance.

ZONING:

1. Permission to waive an additional 2,734 square feet of required off-street parking in connection with a building addition.
2. Permission to allow hard surfacing and a parking lot in the front yard setback to no closer than 9.9 feet from the south property line along Bart.

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

1. Parking spaces on northwest are 17 feet long and variance needed for number of parking spaces.

Mr. Ron Wuerth reads the recommendations of the Staff:

****G** – The petitioner indicated that a trash enclosure would not be need or necessary but rather they have an enclosed area for the dumpster, a dumpster corral. So what I'd like to do is change that comment to that it be noted on the site plan where the dumpster corral is.

****2A** – If you look in Zoning they have a different number they have 2,734 square feet I will double check that with them as to how we are calculating these and we obviously need to come together on that number.

****Dart Machinery** has been in the process of coming to town for quite a while now, it seems like eight months or so, it's been a while and it's been a long time coming. They are going to be a great addition to this area in the city and there's going to be a significant increase in employees. So with that the recommendation is submitted.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – In your dumpster corral is there just going to be like metal shavings and things like that? I went by so

many sites today but I think behind the one building I saw some wood pallets along the back of the building would those be stored in there to?

Mr. Michel O'Leary – Those will be removed, they are in the process of getting machinery delivered so they are coming in on pallets they'll dispose of all that.

Assistant Secretary Smith – I saw the guys putting in the windows they are some nice looking windows.

Commissioner Pryor – I was over there today and I was really impressed with the size and the attitude and what you intend to do. But because there is housing to the south of you I was a little concerned, is there going to be any drop forging or noise generated that would be say above acceptable levels?

Mr. Michael O'Leary – No, as I understand there process they are not a noise producing company, they don't have that kind of operation, so the noise will be minimal.

Commissioner Rob – Do they need to have certain handicap parking spaces?

Mr. Ron Wuerth – Yes there are State regulations on how many handicap parking spaces there should be.

Commissioner Rob – And do they comply with it?

Mr. Ron Wuerth – I believe they do, what they have proposed meets the ordinance.

Commissioner Robinson – Approximately how many employees are you going to have with your expansion at this location?

Mr. Michael O'Leary – They are going to run two shifts and their largest shift I believe they are going to have 55 employees. As they grow with the addition and the shift change that has facilitated the need for additional parking spaces. What they are doing is combining two of their current facilities into this building and once they get the office portion built then they will bring all their office staff there which will then increase the number of employees above the current parking space count when you have the shift change.

Commissioner Robinson – I'm puzzled about the existing waivers for parking that were done previously back in 91 and then 97 that's leaving 84,356 square feet for parking we are trying to get waivers to waive that now?

Mr. Michael O'Leary – We don't need the current square footage of pavement the existing site does not. So we needed a waiver for I guess the existing pavement that was in nonconforming because we didn't have enough paving. When we build the addition we are going to remove paving and build a building and then put in more paving, as it turned out it even increases a little more with the additional pavement that we are proposing. So we are set to be on the ZBA agenda Wednesday.

Commissioner Robinson – So that would satisfy with more parking there that would allow for that?

Mr. Michael O'Leary – Yes the additional square footage waiver because we don't have that much paving on our site.

Secretary McClanahan – The renderings look great, Mr. Wuerth eluted to that there was going to be some hiring done at Dart do we have any idea of how many jobs will be available?

Mr. David Tratechaud – Well we currently have 100 employees between our two facilities and with the addition and this new building that we are hoping will turn our projections we will be up to 110 if our work goes beyond that. We are going to lose some of current employees because of the distance traveled, some of them won't want to travel to the east side because they live downriver and the west side. I would think we are going to maintain somewhere around 100 employees but we do work two shifts but they are 10 hour shifts.

Secretary McClanahan – Great, tell those employees that we've got some great homes in the Warren area that they might want to move to.

Mr. David Tratechaud – Well we are hoping that we'll be able to track some yes sir.

Vice Chair Kupiec – On your corral for your dumpster is this a rear ended dumpster or a front load dumpster what kind is it?

Mr. David Tratechaud – Currently we have a front loader where the truck comes it's the standard 6 x 8 x 8 I believe it's a front loading and it dumps it in the back it's similar to trash pickup.

Vice Chair Kupiec – Is there a roof on this corral?

Mr. David Tratechaud – There isn't now but there will be with the change and the architecture of the building.

Vice Chair Kupiec – And there will be enough for the swing of the box to clear?

Mr. David Tratechaud – Yes sir.

Vice Chair Kupiec – So we will be able to dump underneath the covered area?

Mr. David Tratechaud – We are bringing the roof up high enough where they will be able to do that. We also have a metal hopper for our chips and that's a roll off style. It's already a cement pad area so we feel that's a very good place we'll have the gates so it will be segregated from anybody that's around in the area.

Vice Chair Kupiec – It's a good concept I just wanted to make sure there was enough room for the swing of the box and when the truck pulls up underneath it. It's a good looking improvement, it's a good looking concept, it will definitely improve the area.

ROLL CALL:

The motion carried as follows:

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

- D. SITE PLAN APPROVAL FOR OPEN STORAGE OF GRANITE SLABS TO EXISTING INDUSTRIAL BUILDING: Located on the north side of Ten Mile Road; approximately 190.03 ft. west of Thomas Street; 3231 Ten Mile; Section 19; Zahran Jarbou and Maher Baka (Kerm Billette, PCP).

PETITIONERS PORTION:

Mr. Kerm Billette – I'm here tonight with the owner of the property, the producing company that makes marble tops like these here. This proposed site plan is for the outdoor storage was submitted about a year and a half or two years ago but it lapsed into obscurity from being approved because the owner did not comply with all of the items set out there.

It's been reapplied, we have a new site plan it complies with most of the conditions that were on before. The owner is here to talk about the proposed agreement between ingress/egress with the owner next door. The building next door that they are talking about is sinking out of sight the floor is about a foot lower than the rest of the building. The owners are trying to sell it because the people that occupy the building now work with wood they make wood pallet boxes, storage boxes and they can't stand being wet when it rains and floods the building. They probably will be moving out they owners are trying to sell the property. There cannot be any agreements made right now because the occupant of the property doesn't own it and the owner has other buildings too I believe. He's not that interested in repairing it the building they'll probably try and sell it like it is.

The only other problem I saw in the recommendation was the removal of a piece of asphalt set over in the northwest corner it's about 20 x 25 it used to be for storage of the trash bin, I believe if that can be left there we can screen it off and put some of the outdoor storage of the marble slabs there. The owner believes he had a \$400.00 bond submitted the first time and he doesn't think it's been withdrawn yet. If it hasn't been withdrawn yet he will put in the \$50.00 dollar difference if it has he'll pay the whole \$450.00.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

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 vertical clearance of 13 feet 6 inches.
2. Fire apparatus access roads must extend to 150 feet of all portions of storage areas.

ZONING: Outdoor storage should be hard surfacing.

Mr. Ron Wuerth reads the recommendations of the Staff:

**I just want to comment on relieving the concrete slab abutting the wall. The first time around it was well thought that if it were removed that 20 feet in the setback area for any open storage of product that it would be that much further away from the trailer park and those people that live there. And that's how this was presented so we assumed that's the way it was going to be.

MOTION:

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

COMMISSIONERS PORTION:

Secretary McClanahan – Mr. Wuerth, Mr. Billette mentioned a bond withdraw do you know anything about that?

Mr. Ron Wuerth – No I'm going to have to check into that. I'll check into the history and find out what happened, this was closed out so whenever we close out site plans like that bonds get turned back to the owners, so I don't know I'll have to find out.

Assistant Secretary Smith – Mr. Billette I understand your concern about the 20 foot area that is concrete and they want to make it grass. I concur with the grass for the simple reason it is abutting the R-4 residential district. And being there's only a four foot wall there it would keep them from storing anything close to that, plus you also already have grass down along that wall alongside that trailer it's all the way down that side. So to keep conformity there where you've got a greenbelt between that and where he's storing materials I would still recommend that be grass.

Mr. Kerm Billette – I looked at the property north of this site and there are piles of lumber right up to the wall all the way down for about 120 feet. It's complete storage right up against the wall and it's higher the then wall in many places. It's fenced and I believe that the petitioner should consider fencing this piece by putting a fence from the trailer that's stored by the side of the building over to the brick wall and put slates in it. It would hide everything and he could have it for storage for what he needs.

Assistant Secretary Smith – So what you're saying is you want him to leave the concrete or asphalt and just fence it off?

Mr. Kerm Billette – Yea, the concrete is about 15 or 18 feet from the wall it doesn't go to the wall.

Mr. Zahran Jarbou – The asphalt was there since I moved there I did not put it there. I think if we leave it there it would probably be cleaner.

Assistant Secretary Smith – So what you're saying is from the asphalt to the wall there's actually grass?

Mr. Zahran Jarbou – It's not to the wall, it's 20 feet from the wall.

Assistant Secretary Smith – I understand, but what I'm saying is within that 20 feet there's actually grass there then?

Mr. Zahran Jarbou – Yea, the rest of it is grass.

Assistant Secretary Smith – Okay because that was the concern I had there having the greenbelt there along that wall.

Commissioner Pryor – I was over there today and the dumpster is a steel dumpster but it has no enclosure around it. So I'm wondering if that's something you should be aware of?

Mr. Ron Wuerth – The trash dumpster is noted on the site plan and it's located inside the building.

Commissioner Pryor – What I saw was outside.

Mr. Ron Wuerth – Dumpsters cannot sit outside. The plan is showing it's inside and no dumpsters as you see on this plan are located anywhere else on the site outside the building.

Mr. Zahran Jarbou – So we have to put it inside?

Mr. Ron Wuerth – You can't have it out except to have it dumped, otherwise you'll need a trash enclosure, and you'll have to build a trash enclosure to put it in.

Commissioner Rob – Mr. Wuerth, I'm just wondering, you have this asphalt removing on the east side and then trees is that something they are putting there or are you telling them to put that. Because you have only one point here number one, and that is about ingress and egress but there's nothing stated about the asphalt removing

and asphalt removing, and the trees, is that something you required from Planning?

Mr. Ron Wuerth – Are you talking about landscaping on the site?

Commissioner Rob – Yes.

Mr. Ron Wuerth – They show the landscaping that they are going to provide.

Commissioner Rob – I concur with Commissioner Pryor regarding the trash enclosure if you have it outside then you are going to need a trash enclosure.

Mr. Zahran Jarbou – We are trying to build one but it's not going to be there tomorrow just give us like six months.

Commissioner Rob – So you are going to leave it outside?

Mr. Zahran Jarbou – Yes we are but it's not going to be today or next week just give us some time and we'll do it.

Commissioner Rob – So can you address the issue because it seems like the trash will be outside.

Mr. Ron Wuerth – You'll have to propose a location for that trash dumpster and put an enclosure up.

Mr. Zahran Jarbou – What is the time that you're going to give us?

Mr. Ron Wuerth – You'll have to show us what you're proposing. Upon approval you'll have 2 years with this site plan to be able to put it all together. To improve your site put it out there and design it the way Mr. Billette has shown but you're going to have to show a trash enclosure. So we are going to have on the recommendation an outside trash enclosure it must be provided on the site and then the Planning Staff will take a look at that.

Secretary McClanahan – Commissioner Vinson do you have any problem adding number three to that the trash enclosure?

Commissioner Vinson – No.

Vice Chair Kupiec – So to the maker of the motion it's been proposed now that there will be a trash enclosure added to the site

plan which obviously is going to increase the cost of the plan, Commissioner Vinson do you agree?

Commissioner Vinson – Yes I do.

Vice Chair Kupiec – Assistant Secretary Smith do you agree?

Assistant Secretary Smith – Yes I do.

Vice Chair Kupiec – Obviously this is going to change the bond issue because you are talking about probably about \$5000.00 or \$6000.00 dollars to put a trash enclosure in.

Mr. Ron Wuerth – It’s probably double that.

Vice Chair Kupiec – So increase the bond requirement to \$30,000.00 dollars with \$900.00 dollar cash bond. And if we find that the money is still available from the previous site plan we will apply that towards it and you’ll owe the difference, otherwise it will be a total of \$900.00. So we are talking about a trash enclosure with an increase of the bond and also the cash part to the petitioner.

Commissioner Vinson – Yes agreed.

Assistant Secretary Smith – Yes.

ROLL CALL:

The motion carried as follows:

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

- E. SITE PLAN FOR RETAIL ADDITION FOR FAMILY DOLLAR:
 Located on the northeast corner of Groesbeck Highway and Eight Mile; approximately 190 ft. east of Groesbeck Highway and 190 ft. north of Eight Mile Road; 11817 Eight Mile Road; section 35; Joseph G. Arcori (Andrew Chupzik)

PETITIONERS PORTION:

Mr. Joseph Arcori – I'm here as the property owner asking for approval for an addition of about 1000 square feet.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

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 Department 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.
3. Provide Fire Department lock box (knox box) as required by City Ordinance.

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

1. Work in MDOT right-of-way will need a permit. The permit plans will require maintaining of traffic operations, when lane and shoulder closures are required, due to the proposed driveway work. MDOT will review the project, once the permit is applied or the petitioner asks for a kickoff meeting.
2. Work on 8 Mile M102, is handled out of the Detroit TSC: looks like the driveway work is all on Eight Mile.

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

1. Parking spaces on northwest are 17 feet long and variance needed for number of parking spaces.

Mr. Ron Wuerth reads the recommendations of the Staff:

MOTION:

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

COMMISSIONER PORTION:

Commissioner Rob – Currently where is your trash enclosure?

Mr. Joseph Arcori – The trash enclosure is at the northeast corner behind the building.

Commissioner Rob – Okay I see it. To the maker of the motion do to the maintenance issues I would propose to make at least half of the bond a cash bond.

Vice Chair Kupiec – Your proposal is for one half of the \$4500.00 to be cash bond and the other half to be surety bond?

Commissioner Rob – Yes.

Vice Chair Kupiec – Assistant Secretary Smith do you agree with that?

Assistant Secretary Smith – That would be fine.

Commissioner Pryor – I also agree.

Vice Chair Kupiec – So we agree we will have a \$4500.00 bond of which \$2250.00 will be cash.

Mr. Joseph Arcori – He was concerned about the sign because it's bent. Our plan is to re-pour the two approaches on Eight Mile Road we already have approval from MDOT when we re-pour them we will remove the bent sign that's there. It's not even on our property it's on the adjacent property.

Assistant Secretary Smith – There was a dumpster alongside the building where your proposed addition is going is that just for clean up?

Mr. Joseph Arcori – Correct.

Assistant Secretary Smith – So that will be removed?

Mr. Joseph Arcori – Correct.

Assistant Secretary Smith – And then your addition is going to come out to the side, is that going to affect your width as far as circulation around the building?

Mr. Joseph Arcori – It will be one way traffic I believe.

Assistant Secretary Smith – I noticed that there's also on the next building, which is a Save-A-Lot they've got some sort of trash compactor or something out there with a little steel lift ramp or something?

Mr. Joseph Arcori – Correct, it’s to unload trucks.

Assistant Secretary Smith – Will they still have access to that as far as being able to get back there?

Mr. Joseph Arcori – Correct.

Vice Chair Kupiec – Have you had a chance to review all the recommendations from the Planning Staff?

Mr. Joseph Arcori – Yes.

Vice Chair Kupiec – And do you agree with them all or do you have any questions?

Mr. Joseph Arcori – No problems.

ROLL CALL:

The motion carried as follows:

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

- F. SITE PLAN FOR OPEN STORAGE OF PLATE MATERIAL AND PALLETS: Located on the north and south side of Kiefer Avenue; approximately 400 ft. west of Ryan Road; 3807, 3808, 3821, 3822, 3831, 3832, 3845 and 3846 Kiefer Avenue; Section 19; David Jacks (John R. Monte).

Secretary McClanahan – We received a letter from Marix. Dear City of Warren Planning Commission. We are in receipt of notice to appear before the Planning Commission on August 22nd, 2016, we respectfully request that our appearance at the hearing be postponed for approximately 60 days to allow us adequate time to address the issues raised in the recommendations.

MOTION:

A motion was made by Secretary McClanahan to table for 60 days, supported by Commissioner Vinson.

Mr. Ron Wuerth – The date that we came up with was October 24th, 2016.

ROLL CALL:

The motion carried as follows:

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

- G. SITE PLAN FOR NEW PARKING LOT WITHIN THE GENERAL MOTORS TECHNICAL CENTER TO SERVE DESIGN STUDIO AND FABRICATION: Located approximately 315 ft. east of Mound Road and 2,078 ft. north of Twelve Mile Road; 30100 Mound; Section 9; Jason Harris (Emily S. McKinnon, Smith Group JJR).

PETITIONERS PORTION:

Mr. Jason Harris – Good evening my name is Jason Harris with General Motors. Speaking on behalf of us tonight is Pat Doher with Smith Group JJR, Emily McKinnon is out on maternity leave.

Mr. Pat Doher – Good evening Commissioners, I’m happy to announce that Emily had a baby girl so she will not be here for a little while. Thank you for this opportunity, I’m here on behalf of General Motors and the design build team of Walbridge and Smith Group JJR. I wanted to talk to you today about the next project that is the continuation of our transformation on the General Motor’s Warren Global Technical Center Campus. The project that is before you today is to provide a 157 space parking lot. The parking lot is actually going to be located about 315 east of Mound Road it’s near our main gate entrance number 2 off of Mound Road it’s almost in the center part of the campus. The parking lot is required as part of our continuing transformation in allowing us to be able to mitigate the loss of parking as we continue to construct office and research design studio space.

If you recall I was before this Commission not too long ago to talk about a couple of parking lots. There are parking decks that are going to be provided and were approved by this Commission. This parking lot is to supplement not only the required parking as the increase of the employment will continue through 2020 and beyond. It's also going to be used for part of our construction activities as well so that we can have a more organized approach to the construction parking and allow us to be able to have a secure access in and out of the campus.

So I just wanted to give you a brief outline of the requirements of this parking. As I said it's going to be required in the long term to help us mitigate the loss of parking that we've discussed before this Board previously. It's also going to be used fairly quickly here when we started the construction of the parking structures that we've talked about. It's about an acre and a quarter about 157 parking spaces and it's an asphalt parking lot. The drainage will be contained and will meet the requirements of the ordinances of the City of Warren. The one point I did want to make on the Planning Staff's recommendations was an item regarding A.D.A accessible parking spaces. This parking lot is actually a remote lot and it's going to be used for overflow of employees. We've been working with General Motor's and their infinity group for us to be able to make sure that we are providing the right number as well as location of barrier free parking spaces. This particular location would not work well to meet the A.D.A requirements because of the large distance that would have to be traveled across a two-way boulevard roads. So the parking lot is not intended to provide the A.D.A spaces. The A.D.A spaces required for the square footage that this parking lot will serve, which is for the design studio expansion and the fabrication of the design studio space will be provided adjacent to the building in either the existing parking that's there now or in the parking structures that will be constructed over the next year and a half.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

DTE: Approved.

ZONING:

1. What is the height of the structure – no height just a parking lot?

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

1. All ramps and walks shall be in conformance with A.D.A. requirements. There shall be no sidewalk ramp constructed

crossing a roadway if there is not a ramp to accept pedestrians on the opposite side.

- 2. Provide the proposed pavement cross sections (s).
- 3. The storm water collection and detention systems shall be designed to meet current storm water ordinances.
- 4. Provide proposed parking lot and approach dimensions. The parking lot and approach should be designed to meet City of Warren requirements for two-way traffic unless posted otherwise.

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

- 1. Maintain existing Fire Department 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.

Mr. Ron Wuerth reads the recommendations of the Staff:

**Remove 1C according to the report by Mr. Doher.

MOTION:

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

COMMISSIONERS PORTION:

Vice Chair Kupiec – I was glad to see Mr. Wuerth concur and agree with the A.D.A. requirements that was proposed by the General Motor’s Corporation, it sounds logical and professional, thank you Mr. Wuerth.

ROLL CALL:

The motion carried as follows:

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

H. SITE PLAN FOR OPEN STORAGE OF FINISHED STAGED CARS:

Located on the south side of Frazho Road; approximately 570 ft. north of Concept Drive; 2400 Frazho; Section 19; Michael A.

Samhat, Crown Enterprises Inc. (Roy C. Rose). **TO BE WITHDRAWN.**

Secretary McClanahan – We have a letter to be withdrawn. It is with regret that Crown Enterprises is requesting that our application for site plan approval and zoning appeal be withdrawn for this address. This automotive requirement has been cancelled. President of Crown Enterprises Michael Samhat.

MOTION:

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

- I. SITE PLAN FOR NEW GAS STATION/RETAIL STORE AND DRIVE-THRU: Located on the southeast corner of Eleven Mile and Dequindre; Section 19; 1950 Eleven Mile; OKE Development (Ron Jona).

PETITIONERS PORTION:

Mr. Ron Jona – Good evening my name is Ron Jona my offices are at 1066 Commerce, Birmingham, Michigan. I was in front of the Planning Commission roughly a year ago with a plan that looks nothing like the one before you, although Planning Commission did approve it. When we went to ZBA we were denied, our variances, there was a number of reasons that the ZBA didn't like the plan, primarily a lot of the objections of the Parkview Animal Hospital. We went back and worked with Parkview and rotated the site it shows now a rotation of 90 degrees. We went from 6 mpd's to 4 mpd's, our drives all meet the compliance of 22 feet, the building went from about 3300 to 2800 and we did add a drive thru to the facility on the far side of the building. And we eliminated the two curb cuts as we had before there's four curb cuts now so we are down to two curb cuts.

As I think you see in the report we received all the variances from ZBA and the elevation package half shows the building and the canopy as well as the floor plan of the building. We feel really good about this plan and we feel good about having worked with our neighbor who I believe is in support of this and has been in support since we made the change.

The only thing that I'd like to add is that in working with him and at the ZBA the site plan that you have general notes we added notes 7, 8 and 9 that we would like to agree to make conditional. Which is

that we will not have employees park at the site we will have them park off site to open up more parking spots. The next note is we will not be selling food or beverages for consumption on site this is strictly a drive thru for consumption off site, which is what we want the facility to be. And lastly we are providing a sign that says that no parking will be allowed off site violators will be towed and if we need additional signage we will provide additional signage. We will make sure that all of our patrons all remain on site. So with that we hope that Planning Commission sees the benefit of this plan.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

DTE: Approved.

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

1. Meet the requirements of the 2012 Edition of the Michigan Building Code.
2. Maintain existing Fire Department 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.
3. Provide Fire Department lock box (Knox box) as required by City Ordinance.

Mr. Ron Wuerth reads the recommendations of the Staff:

**The Petitioner mentioned there were three additional conditions and I think everybody has a copy of the modified plans and Mr. Jona went through those. I have an issue with note number 7 – it says all 1950 employees, that's the address of the property, are to park off site. Well anytime we have that situation we need to know where they are parking and they also need to park within 300 feet of the site, it's a regulation. Now we don't know where they are going to park if it's next door, or if it's at the veterinarian's or if it's at the shopping, but that's going to be part of the site plan. We also have to know if the other parcel has an abundance of parking in order to take these employees that are going to park there. So with that that's going to be a requirement so we'll add that I guess in the five copies of revised site plans so that would be 1B.

**As far as number 8 – no food served with the intention of on premises consumption I have no problem with that.

**As far as number 9 – it says a 2” x 3” sign, I think it was intended to be a 2 foot x 3 foot sign. I indicated that when I spoke to one of the Zoning Administrators and they said if it were 1 foot x 2 foot considered a directional sign then there would be no permit for that particular sign. But if they go 2 foot x 3 foot now you’re into a larger type sign that there would be a permit. So that note needs to be modified and you can call that 1C.

PUBLIC HEARING:

Dr. Steven Albrecht – 1972 Eleven Mile, Warren, Michigan. I would like to say that I’m very appreciative that they did revise their site plan to make it more neighbor friendly and address our visibility and safety concerns. It’s very important to me that my neighbor be successful and I do support the new site plan provided that the parking issue is addressed. Parking is a real concern across the street at 7-Eleven they have 16 parking spaces even though their building is much smaller than the 1950 site plan building when they are busy all the 16 parking spots are full and they also have additional cars in the pump area.

When I was preparing for the Zoning Meeting I did view a Google street image of 7-Eleven and it showed 11 cars in the parking area and also additional cars in the pumps area. The 11 cars are actually more than the total number of parking spaces on the 1950 Eleven Mile site. Adequate parking is important for this site because half the required handicap spaces have been waived and there’s no available on street parking which can be conveniently accessed by the customers. At the first Planning Meeting we attended the Planning Board asked Mr. Oke and me to talk and resolve our differences we eventually did talk and resolve our differences and we found out that we both had an interest insuring that there was adequate parking on the site. We agreed that the most appropriate way to address the parking would be to add conditions to the site plan so that would insure that the parking would be as adequate as possible and that it wouldn’t be unnecessarily cumbersome to Oke Development.

Mr. Oke did tell me that he would go on the record and support the site plan and I believe it’s evident with the conditions that were actually added to this site plan. They did go before the Zoning Board on August 10th, and at that point and time we did support the plan and all the variances were approved. They had previously gone to the Zoning Board and all the variances were denied and I think that our support was helpful and the agreement that we had with Oke Development. This is a property that will be leased to its

yet undetermined tenant and sometime in the future it will be sold to a new owner that may not be as motivated as Mr. Oke to meet the onsite parking needs of his customers. I do believe that it is necessary to add the additional conditions to the plan to insure that parking will be adequate and I believe this can be done without causing harm or being unreasonably burdensome to OKE Development. And I believe it's necessary to make the site plan conditions extremely clear and worded in such a way that it will encourage compliance in order to prevent misunderstanding and insure adequate parking in the future.

I'm very appreciative that OKE Development added site plan conditions 7,8, and 9 to the site plan. I do believe that this is a good faith effort and demonstrates that OKE Development wants to be a good neighbor and understands that adequate parking needs to be addressed. Though the site plan conditions 7,8, and 9 arrived at Planning too late to be included in packet but it sounds like you may have got it now. It is important that they are included in the site plan as conditions and that they are easy to understand conditions to encourage compliance so that everyone including future tenants and future owners understands the responsibilities. My first choice would have been to have a property next door that conformed to all zoning ordinances. I believe I did my part by following the guidance and working with OKE Development and supporting them at the Zoning Meeting.

Both Mr. Oke and I are in agreement that conditions 7,8 and 9 are needed and I respectfully ask that you do include them in the site plan conditions. It would be frustrating for me to follow your recommendation to provide support and then find out that the parking wasn't addressed. Upon food and beverage consumption on the property it significantly increased the parking requirements beyond what was requested in the variance. I believe that clear conditions are stated on the site plan and would prevent parking problems and also the potential for conflicts between neighbors.

As far as the site plan notes an there was some reference to the 1950 employees parking offsite. We are in total agreement with this Mr. Oke had also thought about it and if necessary they are prepared to bus employees in because they do recognize that parking is a concern and it is important for them also that they have adequate parking on the site.

My concern is that we are the closest parking space to them to the east and that in the past when the gas station was there we did have

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some trees that would provide shade and even though they had parking over there we would have some of their customer's park in our lot just because they can get shade. Then our own clients weren't able to actually park on our lot. So I do believe that having adequate parking on the site is important our concern was if they have carry out there would be food on the premises and there would be the temptation to actually serve food and have people staying there, so if there's some way that can be addressed I would appreciate it.

I would like the conditions to be worded as strongly as possible and to actually make sure that they are conditions and people understand them. So that it's clear and everybody understands them. So I would appreciate if the site note heading could possibly be changed to actually say site note conditions or site note plan-conditions. Basically that is it I would appreciate it if they were strong conditions so it would make it easier for us to get along with our neighbors in the future so that everybody understood their responsibility. There is a significant amount of excessive parking for Big Lots and the cabinet company that's next to us actually parks their vehicles there too and they've never been actually full over there. Thank you

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – Mr. Wuerth I understand the concern about the parking I counted the number of parking spaces with one handicap we've got 17 parking spaces including the vehicles at the pumps. My only other concern is that most of the people that would be parking would be people going to get food and beverages but if there's a drive through where they can go through the drive through and get their food and beverages then there's no need for them to park. So therefore that may affect the number of parking spaces. Like I said if they are just going through to pick up food and beverages there not parking to go inside, they will go through the drive through.

Mr. Ron Wuerth – To answer your question this is based on square footage it doesn't matter if it's a drive through or not. Secondly to expand on that I'm going to hope that with our new Master Plan and our new Zoning Ordinance we are going to be able to make the parking at the pump part of the requirement and that they can get

credit for that. If we did that they would have only had to waive one parking space.

Assistant Secretary Smith – Second question is to the petitioner, about how many employees do you figure you're going to have at any particular time?

Mr. Ron Jona – Two.

Assistant Secretary Smith – So you're looking at either one car if they car pool, if they don't you have two cars?

Mr. Ron Jona – Right.

Assistant Secretary Smith – And you'll have to find offsite parking for?

Mr. Ron Jona – Right.

Assistant Secretary Smith – I'm just wondering if it would be that hard to find a location where they can park where it wouldn't cause a problem.

Mr. Ron Jona – We don't have a specific location, I was unaware of the 300 foot ordinance that Mr. Wuerth quoted. Certainly our goal is to not have a site that's under parked I appreciate what Mr. Wuerth brought up because in almost every other community 80% of your patrons park and get gas and walk in. They aren't really shopping in the store I think it was very prudent to point out that this is unusual but we think very unique and good situation that our patrons are able to drive through as well. So despite the variance in parking we don't see the dramatic shortage, however, the owner has represented that he would either be willing to car pool or park offsite but I can't represent to you how that would be achieved or where they would park at this point. That's something that still has to be worked out.

Commissioner Robinson – There are seventeen spaces on your new proposed site plan that you have available is that correct?

Mr. Ron Jona – Yes.

Commissioner Robinson – Would half be on Eleven Mile and then the others would be off of Dequindre there?

Mr. Ron Jona – If you look at the plan we are showing 10 nose in cars facing into the building which are standard parking spaces and we didn't count any other cars.

Commissioner Robinson – Then where would the others spaces be?

Mr. Ron Jona – There are no other spaces, ZBA gave us the variance for the nine cars.

Commissioner Robinson – So you would just have 10 spaces?

Mr. Ron Jona – Yes 10 spaces. Remember most of your patrons are pumping gas and coming into the store.

Commissioner Robinson – I would hope that something is done with that corner because I live near there and it looks bad. It's a very busy intersection so I hope something goes there to improve that corner.

Mr. Ron Jona – That's what we are hoping. We are making a complete and substantial redevelopment and not keeping any of the existing structures you see so it's a brand new development.

Secretary McClanahan – I'm looking at the plan, I think it's a great plan, I think we are a little over blown on the parking problems. Most people when they go into a service station are going to be getting gas and running in to get a pop or something. We have 18 spots here still I don't see that bussing the employees is a very good idea or having them park off site. We mentioned Big Lots, I don't know how Big Lots feels about having everybody parking over there. If you have one or two employees at a time use two spots you still have 16 spots not including the pumps. If you're a 23 year old kid working at a service station and you get off at midnight or two in the morning I wouldn't want to go off site to my parking. We talked about the safety of the people that work at Parkview in this plan but we also want to take into account the safety that work here at the Marathon. I think with 18 spots and having two employees parking here I don't see that as an issue at all.

Mr. Ron Jona – Well thank you, again this was a response to Parkview's concern but I think that everybody realizes the nature of this industry people are trying to get in and get out. There's no seating and the reality is the average turnover is 10 minutes in those spots, no one is going in there with a grocery cart shopping. Even if you filled them up at a peak time we wouldn't be developing a site

that we thought was under parked and I appreciate what you said. We are comfortable that there won't be this problem. You heard our neighbor speak and obviously we are trying to cooperate with what he feels in the future can be a problem.

Secretary McClanahan – We appreciate that Parkview is a beautiful facility a great building and we want to make everyone happy. Thank you.

Commissioner Rob – I also concur with Secretary McClanahan actually the parking is really not a big issue. There's enough parking spaces there we don't need that many anyway. I want to comment on something, to the petitioner I really appreciate and hats off to them. We approved it last year and you waited and came back and addressed all the objections you've overcome all of them and worked it out. The persistence I see and the willingness to work things out it's really amazing. I want to praise the development for changing the plan to accommodate a neighbors needs, there were a lot of things. I believe your employees can park easily in the lot two spots will not make any difference.

Commissioner Pryor – What is going to happen with the tanks are you going to use the same tanks underground?

Mr. Ron Jona – No there's actually a contamination issue there so we are removing all the existing tanks if you look at the plan at the west property line abutting close to the veterinarian you'll see that we show the new underground tanks here in line with the loading. The tanks will be brand new state of the art.

Commissioner Pryor – So you won't have any trouble with the area sinking because they are non-compact soil underneath there?

Mr. Ron Jona – We have to reengineer and remove what's there and reengineer, fill, all the soil in that site.

Commissioner Pryor – When I looked there's an awful lot of asphalt that is in poor condition are you going to do cement instead of asphalt.

Mr. Ron Jona – I think the new stations are concrete so the pavement will be concrete.

Vice Chair Kupiec – You're offering a service station, gas station, drive through, and a retail store. What is your drive through going to facilitate, what kind of drive through will it be?

Mr. Ron Jona – We haven't finalized that, we've hired a consultant out of Oklahoma who's done this a few different times, but the thought is and you're going to see that this building is very long and narrow. Which is not great because the drive through has to be on the driver's side here. So we are envisioning mostly like a morning stop with coffee as a base line, but we also can see that all the products in the store some of the new concepts as it was mentioned. It's possible that all of the products offered in the store would be able to be picked up and driven through whatever is legal, I don't know about beer and wine. We are looking at a new concept that would have any number of products that we have in there if you called ahead or drove through and said pack me up this container we would prepare that.

Vice Chair Kupiec – How many shifts would you be running?

Mr. Ron Jona – Three shifts.

Vice Chair Kupiec – So a 24 hour operation.

Mr. Ron Jona – Yes.

Vice Chair Kupiec – I just have a problem with two people per shift it just don't sound like enough people to run a retail store, a drive through, and a gas station. I know that gas stations are all computerized and it's one service person sitting behind the counter operating the computer. But you also have the check out for the retail store and the drive through. I think that two is a little on the low side I don't see it being much above two maybe three or four, but I think two is low.

Mr. Ron Jona – I think most times there will be the two check out points at the normal counter and at the drive through point and that will be staffed most of the time, but I can't disagree there could be a third employee on site at certain times, we don't see four employees ever.

Vice Chair Kupiec – I don't see a big issue there I just wanted to make a point of clarification. I'm glad to see that you and Mr. Albrecht were able to get together and come to an agreement and bring together a nice bond between two neighbors. Mr. Wuerth did

make some recommendations on your items 7, 8, and 9 obviously the 300 foot rule came into play, so you're familiar with that now. And also Mr. Albrecht mentioned that food and beverage will not be sold outside the premises?

Mr. Ron Jona – Food and beverages are not to be consumed on the premises.

Vice Chair Kupiec – Right, and also the size of the signs.

Mr. Ron Jona – That was a typo I apologize it's supposed to be 2 foot x 3 foot.

Mr. Ron Wuerth – With the conversation regarding the employee's offsite the thing you have to think about here is that with the parking that's being provided and what was approved by the Zoning Board typically that parking is for customers and for employees. So there's adequate parking for the employees on site and so with that I'm going to recommend that number seven be eliminated from this site plan I don't see a need. That's my recommendation and I just wanted to update that.

Vice Chair Kupiec – So you want to remove your original recommendation for number 7 and remove it?

Mr. Ron Wuerth – That's exactly what I want to do.

ROLL CALL:

The motion carried as follows:

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

Mr. Ron Jona – Are we adding conditions 8, 9, and not 7?

Vice Chair Kupiec – Yes that's correct.

7. CORRESPONDENCE

None at this time.

8. BOND RELEASE
None at this time.

9. OLD BUSINESS

A. MINOR AMENDMENT TO SITE PLAN FOR OPEN STORAGE OF TRUCKS AND TRAILERS: Located on the southwest corner of Toepfer and Hoover Roads; 21601 Hoover Road; Section 34; Adrian L. Leica (Robert J. Tobin). The minor amendment is for the addition of a small office building. **TABLED.**

MOTION:

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

Mr. Ron Wuerth – There’s a tabling letter they wanted it tabled and I contacted Mr. Tobin and it should be tabled until September 12th, 2016.

MOTION:

A motion was made by Secretary McClanahan to table until September 12, 2016, supported by Assistant Secretary Smith.

ROLL CALL:

The motion carried as follows:

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

B. Letter from Robert J. Tobin for 21950 Hoover requesting that they continue to use the existing 5 yard container and eliminate the requirements for a new dumpster.

Mr. Ron Wuerth – You have a letter before you in what they want to do but in a discussion with Mr. Tobin this morning he was not able to be here in order to discuss this and so he wanted this item tabled also to September 12th, 2016.

MOTION:

A motion as made by Secretary McClanahan to table until September 12, 2016, supported by Commissioner Rob.

ROLL CALL:

The motion carried as follows:

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

- C. Letter from Robert J. Tobin for 21950 Hoover requesting that tanks be removed from the approved site plan.

MOTION:

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

- D. Letter from Patrick Westerlund for 30758 Ryan requesting relief of the requirement for an ingress/egress agreement.

MOTION:

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

PETITIONERS PORTION:

Mr. Patrick Westerlund – My name is Patrick Westerlund I'm with TDG Architects at 79 Oakland Avenue in Pontiac. We were here just over a year ago and sought a site plan approval which we received from your Commission for small paving addition to this site to accommodate eight new parking spaces. There was a number of requirements as part of that approval and we were able to resolve all of them but one very quickly and the last one being item number three to provide a recorded document for ingress/egress to the property owners. We worked diligently trying to get our property owners to agree to this, we even enlisted the assistance of Mr. Wuerth and the Planning Department to try and bring this to a

resolution and we are unable to do that. So in light of that effort we are here to respectfully request that our approval be amended to give us relief of item number three of the requirements so we can move forward and put in this little bit of paving and eight car parking spaces. This area of the development, primarily it's an older development along Ryan Road south of Thirteen Mile where the businesses have been there for many years. The property owners have no problem with what's going on right now, it works, they are reluctant to enter into any legal agreement on their property because they benefited from the existing condition for many years. So we are here to just see if we can have relief of that item and go forward with our small addition.

Mr. Ron Wuerth – Mr. Westerlund is right this has been going back and forth for a year. I spoke to a representative of that group to the north and they are satisfied with just how things run right now they don't care to enter into any legal document. Earlier tonight we decided now that we have another mechanism that we can use in cases like this where it's one sided. That's what I would like to propose in this and I think that the petitioner can come up with a document rather quickly with the help of the City Attorney. So I'll read this statement from a previous recommendation and see if it will suffice.

If it is not possible to obtain the agreement between the property owners the owner of the subject property shall provide a statement or a declaration that they will take responsibility for the safety and the maintenance of the shared driveway and ingress/egress. The document shall be witnessed by a notary public. So with that that's my recommendation to the Board. I haven't discussed this with the petitioner you may want to ask his opinion on what he thinks of that.

Vice Chair Kupiec – I don't know if you were here earlier tonight when this was discussed?

Mr. Patrick Westerlund – No, I'm sorry, I missed that discussion.

Vice Chair Kupiec – We asked our City Attorney to discuss it I'll ask her again since you weren't here.

Ms. Caitlin Murphy – We are finding in some situations that this is occurring, that the other party doesn't want to sign a legal document for an ingress/egress. What we are looking into doing is basically getting a template for declaration for a single sited contracted that would still be recorded but basically just putting forth what the

obligations for you guys would be and not necessarily doing anything as far as the other parties since they are not agreeable and mostly we're looking for maintenance and safety.

Mr. Patrick Westerlund – Well I guess my initial concern or comment would be what is intended by the term maintenance. Because the property line runs down the middle of the drive so with the position that the neighbor is taking I don't know how far they would be willing to extend beyond the property line. It's if we were going to look at the maintenance extending behind this property line limits, I don't see any problem with anything within the boundary of his own property.

Ms. Caitlin Murphy – And that's certainly something we can talk about I have some ideas in my head but we haven't actually gotten down to writing the declaration and I'll be working with Ron Wuerth on that.

Mr. Patrick Westerlund – And I know that my client Mr. Cordaro he had his attorney draw up the agreement originally trying to work with him so maybe we should have some discussion between the two attorneys to make sure that everybody's interest are agreed upon. The only thing I can foresee is the maintenance issue.

Ms. Caitlin Murphy – Okay it's certainly something to take into account but we can speak later on it as well.

Mr. Patrick Westerlund – I don't really want to do this but should we table this in case something doesn't work out between the property owners. I don't just want to deny the request being that we haven't had a chance to present this to my client. I don't want to come back to a meeting if we can work it out either.

Secretary McClanahan – I'd like to make an amendment to request the relief and if it doesn't work out when you talk to the other party you can come back in front of us, but if it does you don't have to come back.

Mr. Patrick Westerlund – That's what I was hoping for.

MOTION:

A motion was made by Secretary McClanahan for a declaration to the minor amendment, supported by Assistant Secretary Smith.

ROLL CALL:

The motion carried as follows:

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

E. Voting for Nominated Officers of the Commission.

MOTION:

A motion was made by Commissioner Vinson to elect all existing Officers by acclamation, supported by Secretary McClanahan.

ROLL CALL:

The motion carried as follows:

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

10. NEW BUSINESS

Secretary McClanahan – I just wanted to say that there was a meeting at six o'clock for the flood victims in Warren. It was a public hearing and our City Attorney was at that meeting that's why she walked in a little late. She doesn't just wander in here whenever she wants there was a reason.

Vice Chair Kupiec – You said there was a meeting for the flood victims?

Ms. Caitlin Murphy – It was a committee of the whole meeting.

Vice Chair Kupiec – I talked to one of the Council people in private the other day in a restaurant and one of my objections has been in this City is these entrepreneur grass cutters blowing the grass

clippings into the street down the sewer and into the main traps. Was that discussed at this meeting?

Ms. Caitlin Murphy – I actually had to run out of there before they started talking about the flooding issue I was there for native vegetation which is a slightly different issue.

11. CITIZEN PARTICIPATION

None at this time.

12. PLANNING DIRECTOR'S REPORT

Mr. Ron Wuerth – It's very short actually I spend most of my time writing findings during that time period. I went to a TIFA Meeting at Owen Jax where they are having serious discussions about the streetscape that's on Van Dyke between Stephens and Eight Mile. I hope that they do as I've asked them to do and that's review their Master Plan, that they have, that TIFA put together years ago and continue to work with that or amend that as they move forward. I still subscribe sort of speak to that and use that anytime we have site plan approval for a site that is along Van Dyke. Sometimes organizations forget that they actually have a Master Plan that they are supposed to follow.

I received notice of the Map Conference, I hope all of you have received. The Officers can go, there is funding for that, so if you want to check with me and we'll go through how it works. Please do that if you don't want to go, that's your choice. I'll be at the Map Conference and I know that Michelle will be there also and probably a few others that I know, we'll see how that works out. But like I said the Officers can go there are forms to utilize.

Commissioner Rob – So the Map Conference let's say one of the Officers are not going, is that, can that go to another person?

Mr. Ron Wuerth – I don't see why not, we budgeted for four people so if someone doesn't go there's no reason why someone else can't fill the spot.

Vice Chair Kupiec – This is the first I heard of the Map Conference this year when and where is it?

Mr. Ron Wuerth – It's in Kalamazoo I believe it will be the last week in October as I recall, a Wednesday, Thursday, and Friday. So if you want any further information I can make copies for everyone next meeting if you want. We have to get ready because if you're going to go to the full conference then you'll need to find lodging.

Commissioner Rob – Is there a specific dollar amount approved?

Mr. Ron Wuerth – It pays for the conference and for lodging to some degree. Typically at these conferences they put a block of rooms aside, it's at the Radisson Downtown and that's where the conference is so you'll have a room right there. Or you can stay at any number of other places in and around Kalamazoo.

13. CALENDAR OF PENDING MATTERS

None at this time.

14. ADJOURNMENT

MOTION:

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

The meeting adjourned at 9:47 p.m.

John Kupiec, Vice Chair

Jason McClanahan, Secretary

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