CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on August 10th, 2015 at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, August 10th, 2015 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
Claudette Robinson
Warren Smith, Assistant Secretary
Nathan Vinson

Also present:
Ronald Wuerth - Planning Director
Michelle Katopodes – Planner I
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

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

4. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE MINUTES – July 20th, 2015

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

6. PUBLIC HEARING ITEMS:

A. AMENDMENT TO ORDINANCE NO.30; APPENDEIX A, ZONING; Article 11, Definitions for Medical Marijuana Growing Facility and/or dispensary and other related definitions;

Article IV, Section 4.01 minor changes for readability and a revision regarding a misdemeanor to operate a business that violates an applicable law;

Article V, Section 5.01 restricting patients to legally use, cultivate and/or process marijuana for their personal use in residential or commercial zones;

Article XVII, Section 17.02 restricting Medical Marijuana Growing Facility and/or dispensary to locational criteria from certain uses, limitations by all applicable laws, patient hours, and indoor operation. Further the facilities are subject to inspections, maintenance of records, caregiver cards, and transfers. **TABLED.**

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

PUBLIC HEARING
Mr. Joseph Hunt – I read with interest this amendment to the zoning ordinance as it affects different areas of the zoning ordinance in relation to State and Federal Law. One of the things that I would like to point out is that specifically there was a study that was done in February of 2011, a 250 page study that cost the tax payers $32,000.00 dollars, that was basically talking about the pot houses and the dispensaries at the time. And of course that went through two moratoriums while the Administration decided how to handle the changes to the State Law.

Personally I think that with these marijuana growing facilities they become targets for criminals because it is a drug and under the federal guidelines it is still a scheduled 1 narcotic. However, in the

State of Michigan the State of Michigan is allowing doctors to prescribe marijuana to those patients who can basically qualify or con a doctor into a marijuana card. The main thing here is what we are dealing with is the Grand Canyon between Federal Laws and State Laws. Personally I'm not against the use of marijuana in the residential areas I feel that if a certified and qualified doctor has determined that his or her patient is basically qualified to smoke and or make hash brownies or whatever form of marijuana is to be consumed for medical purposes that should be able to be done in residential areas. I see that personal use is proposed to be prohibited in residential and commercial areas but I guess it doesn't cover industrial areas, so that's a loophole there.

One of the things regarding this whole patient doctor relationship is there is a Federal Law called Hipaa Compliance where basically a patient's medical records are not obtainable outside of the doctor patient relationship. So I believe that the City of Warren is once again opening itself up to liability by persecuting people that it doesn't like. If a doctor has legally prescribed a patient some pot and they want to go home and smoke that's great. I know how your Mayor doesn't like the smell of pot or whatever, but I don't like the smell of marigolds and that's a city flower. We all have our opinions on this, however I'm against the pot houses in residential neighborhoods only because I happen to know somebody who was murdered as a caregiver. The fact that someone I know was murdered and they were legally producing marijuana for those people who have a card. Also the homes become target homes for those people who have guns and want to break in and shoot somebody in order to get the drugs. However, I think that I'm against this whole entire prohibiting people from personal use in their own homes. That's what the laws are for if you at the State Law that's why there's these controls over doctor's who can prescribe the cards and people who are technically able to use the marijuana in whatever way these seem fit. The moment that you start prohibiting people from doing certain things in their homes what's next. Like I said I'm against the personal growing in houses because of course the heat lamps that are used can burn these house down.

In conclusion I think that what you are doing here by prohibiting people from personal use in their own home is violating both State and Federal Law and of course that always leads to lawsuits with the City of Warren. We have a lot of money in the general fund for those types of lawsuits. But like I said the dispensaries that were on moratorium back in 2011 I know that there was a scramble by the Administration to spend several years looking through the zoning ordinances in order to, basically number one, prohibit something and

not that the State Law is Supreme this is just nothing other than persecution. I think that the angel there is that you're not going to be able to force those with marijuana cards that are residences or renters in the City to register with the city. Any patient who you do force to register those records would be subject to FOIA and the criminals could FOIA the records of the drug houses. I'm against the drug houses in the neighborhood only because when the criminals do break in there probably stoned and they might get the wrong house.

Ms. Lynne Martin – Good evening Lynne Martin, Chief Zoning Inspector for the City of Warren. I can't tell you how many calls I get everyday where can I grow, how can I do this, I'm a caregiver and so on. Right now we have no way to enforce because we don't have an ordinance. This ordinance is to give us some control over it and to have some way of enforcement. It's here to stay we're not going to bet rid of it and so we need to have some way of allowing it and someway of enforcing the ordinance that we do pass. So I hope that you are in favor of this because my Zoning Inspectors their hands are tied when it comes to this type of activity and we need something on the books to bring us up to date. So I hope that you are in favor of it so that we have some control over this in our city.

Mr. Justin Dunaskiss – I appreciate you giving me a few minutes to speak this evening on the important topic of medical marijuana regulations. I come to you first as a fellow Commissioner over in Orion Township, a property owner, a Government Affairs Consultant, and a concerned citizen. Tonight I could go on for hours about local, State and Federal regulations but I'll keep my comments brief. I want to address three main points that I want you to consider when you are looking at this evenings proposed ordinance for the City of Warren.

First, I'm going to give you a real brief update on where the State is going with their proposed regulation for medical marijuana facilities. Two, I want to talk about the differences between a dispensary and a cultivator and three the importance of having fair and balanced policy to insure that we are not further pushing these operations underground in our residential districts.

With that said the first matter what's going on at the State level you've probably seen in the newspaper there's been different proposals at the State level to further regulate and set up a structure to allow for the commercial operations of medical marijuana facilities. At this time we are working with everyone from the Governor's Office, the State Senate and the State House to come up with a

policy that's going to establish a board that's going to regulate and set up the different regulatory structure for allowing for testing companies, dispensaries, cultivation companies, as well as for banking operations in the likes. So that policy is forthcoming, it is looking like it's going to be a fall matter and again what that policy will do is set up its own State Board that's going permit these types of uses and also set up a tax structure. And part of that tax structure allows for local municipalities that opt in to allow for these facilities to take part in the revenue sharing. So I share that with you to let you know that the wave is moving and there really is a push at the State level to get a framework in place to give some structure to allow for these facilities. So I share that with you to let you know that there is a local opt in provision that allows for the revenue sharing as well as letting you know that is looking like it's a fall matter with regards to where you'll see some direction from the State and where they are going to come along.

With that I'd like to talk briefly about the difference between dispensaries and cultivators. The way I read it in your proposed ordinance is essentially you're lumping the two with one in the same as well as looking at allowing for the patients and the residential use and to continue growing there. I think it's pertinent that we should look at some of the other municipalities around the State being Ann Arbor, Ypsilanti, Flint, Grand Rapids that have proven and tested ordinances that allow for these different types of facilities in different types of zoning districts. It really spells them out for what they are because with this ordinance we are kind of lumping in apples and oranges. The dispensaries as the name implies dispenses medicine I'm sure that most of you have the understanding of that, they dispense medicine just like CVS Pharmacies and currently we don't make our residences go into the back of industrial parks to get their medicine we don't do that.

On the manufacturing side they can be manufacturing in the back of the industrial park or medical marijuana a lot of hazardous materials are actually manufactured here in the City of Warren. With the proper regulatory structure in place and the procedures it shouldn't matter if they are growing medical marijuana in that M1 zoning commercial property back there it's a manufacturing entity. We should really slow down and really take a look at how we are going to set up the regulatory structure to deal with these very different and unique sectors of this industry over on the dispensary side. Again back to the pharmacy analogy, it's a retail operation it really should be zoned and treated as such. So we really caution when you look to kind of lump them all together and then we put an arbitrary 500 foot radius restriction on that. The whole goal is really to provide a

fair regulatory structure so that we are not pushing these operations underground, encouraging people to get out of the residential applications, attract quality people who want to invest in this industry. We are not going to do that if we put these restrictions on there, not to say there shouldn't be restrictions there certainly should with regards to what zoning ordinances and how close they are to one another. When you put the 500 foot rule what are you really trying to get at with the 500 foot rule if it's a nuisance issue with regards to smell or loitering and those sort of things? We need to have the rules put in place to directly address those matters verses putting the 500 foot rule and hoping that's going to kind of solve the issue. If we become too restricted it truly is going to push it back underground we're not going to capture any of the tax revenue for it it's not going to work if we are being too restricted and not setting this up with the proper frame work to allow where they should be sited. So I really caution you to take a look at that you should really remove that portion of that proposed ordinance because it really is counterproductive with the overall policy which I believe you're trying to do here.

With that, again I'm a Government Affairs Consultant, fellow Planning Commission so I would offer myself up to the Planning Commission for any further research. Again I just want to caution you with regards to lumping everything into this one policy and not treating the different entities as such. We are throwing manufacturing into retail operations, patients which is the most important thing we are kind of jumbling everything in here a little too much. We already have neighboring communities that have ordinances in place that have worked and set up these various structures for these different entities that they are. Just wanted to make sure you are aware of those particular issues.

Mr. Ron Wuerth reads the recommendations of the Staff:

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

ROLL CALL:
The motion failed as follows:

Assistant Secretary Smith……..	Yes
Commissioner Vinson…….	No
Commissioner Karpinski…….	No
Vice Chair Kupiec……..	No
Secretary McClanahan……..	Yes

Commissioner Pryor…….. No
Commissioner Robinson……. No

MOTION:
A motion was made by Commissioner Robinson to approve, supported by Commissioner Pryor.

COMMISSIONERS PORTION:
Commissioner Pryor – In section 4.01 where it reads Amended to Read as Follows down at the bottom item C it says a penalty of $500.00 dollars. Now when we were dealing with the historical area the fine was $1000.00 dollars I think that it should be the same at $1000.00 dollars.

Ms. Caitlin Murphy – Commissioner that would be governed by State Law we are limited to a 90 day or $500.00 dollar fine or both. With the Historic Commission we were under State Law given more leeway under this particular provision we only have the ability to fine up to $500.00 dollars.

Commissioner Pryor – Our hands are kind of tied under the State Law?

Ms. Caitlin Murphy – Yes Commissioner our hands are tied with the State Law.

Vice Chair Kupiec – If there is nothing further I guess we will take a vote Mr. Secretary.

ROLL CALL:
The motion failed as follows:

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

Secretary McClanahan – Four to three so I believe that is tabled.

Ms. Caitlin Murphy – Under our bylaws and ordinance we need a minimum of 5 votes to recommend to City Council.

Vice Chair Kupiec – So therefore it will go back to table?

Ms. Caitlin Murphy – It will.

B. SITE PLAN APPROVAL FOR BUILDING ADDITION TO CONVENIENCE STORE AND EXISTING BP GAS STATION; Located on the south east corner of Fourteen Mile and Ryan Roads, Section 5; 4040 Fourteen Mile; Dave Jajjoka (Scope Data). **TABLED.**

PETITIONERS PORTION:
Mr. Avis Choulagh – I'm the Attorney representing the petitioner who stands to my right. At this time we are respectfully requesting this matter be rescheduled for a different date contingent upon having a full Board present.

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

Vice Chair Kupiec – The item will be tabled to a date certain of August 24, 2015, is that good for you?

Mr. Avis Choulagh – Yes it is sir, have a nice evening.

Commissioner Vinson – I have a question to the petitioner that just left he said until a full Board is present and we can't guarantee that so I just wanted to make sure he understood that.

Vice Chair Kupiec – I guess we'll have to deal with that when it comes if he shows up and there isn't a full Board it will be his privilege to get another date.

Mr. Avis Choulagh – I just request to adjourn it one last time then.

C. SUBDIVISION PROPERTY SPLIT AND COMBINATION REQUEST; Property located on the west side of Westchester Avenue, approximately 352 ft. north of Beebe Avenue; split the westerly 23.5 ft. of 31710 Winchester Avenue (Parcel No. 13-05-429-005) and combine said 23.5 ft. with 31719 Winchester (Parcel No. 13-05-428-017); Section 5; Christine Kowalczyk.

PETITIONER PORTION:
Ms. Christine Kowalczyk – I'm a resident of Howell Michigan and I'm with my sister this evening Lorrain Kryzaniwskyj who has been a resident of Warren for 37 years and my other sister could not be

here she is a resident of the State of Oregon. I just wanted to go over what our situation is I don't know how many of you up there know exactly what has transpired. My dad bought a lot in Warren in 1979 and my parents have recently deceased in 2014. We obviously inherited the home and we are putting it up for sale we listed it as of February 4th, 2015. Edna Miller who is a resident of the Street Winchester who was also the wife of Arthur Miller who we knew for many years approached my dad to sell him 23 feet of the easement street of Winchester for $500.00 dollars, which he purchased after his house on Winchester was complete.

We have a deed that was registered at Macomb County we have a stamp on it that indicates the city received it. We listed the house with a realtor February 4th we got a legitimate buyer with a purchase agreement which was approved by his lender and the title company turned the whole thing down because they said that the property that my parents bought is somehow attached to the house across the street. We went to the city and spoke to Todd Keyworth, Todd in so many words said this is going to probably take months. So we felt no choice but to hire an attorney to try to see if he could speed things up. We retained Chuck Earl who has been an attorney for 45 years and I guess he knows a lot of you.

We've got nowhere so far and we've also got another buyer that came and we also lost that buyer because this issue with the 23 feet easement is not per the city attached to my parents home, so that's where we are today. So I'm asking you to please approve this this evening so it doesn't go on any further for us. We are still taking care of the home, cutting the grass and making it look very nice for the community. We have to go into that empty house and take care of it and I'm sorry that I'm upset but this has been going on since February 4th.

Ms. Lorrain Kryzaniwskiyj – We have all the legal documents, we have the survey, we have the Macomb County Deed, and we have the deed to the house. We have every legal document you can have, so there's no reason why this 23 feet should not be added to my father's property it was bought, paid for, and documented. It's holding us up again from selling the house because it won't clear.

Ms. Christine Kowalczyk – Our attorney has spoken to Mary Michaels, Todd Keyworth, Don Worth, I've talked to Don Worth just this past Thursday we don't know what else to do this has been going on for three months. The house across the street that the property is attached to just recently got new owners as well they are Laronda and Cleveland Tyler. We've spoken to them our attorney

has spoken to them they don't want the 23 feet. They've already signed papers with Chuck Earl stating they don't want the 23 feet.

Ms. Lorrain Kryzaniwskyj – So we are here to ask you what else do we need to do to get your approval or whoever's approval to get this resolved.

Ms. Christine Kowalczyk – We obtained Chuck Earl as of May 4th its cost us a lot of money. I asked him not to be here this evening because I can't afford him and this has been going on with Chuck since May 4th. I brought copies and pictures of what I'm talking about and that's the easement in front of my dad and mom's property. Well without that easement no title company or mortgage company is going to give anybody a loan to buy this home without having easement to it. I don't know if any of you want a picture of this.

Vice Chair Kupiec – I think we have a picture of it in our packet, but you can submit it if you'd like just give it to the Secretary.

Ms. Christine Kowalczyk – So Chuck just recently drew up a lot split application, which my sisters gave me power of attorney to sign for them and this was just recently submitted, I can't see the date on it.

Ms. Lorrain Kryzaniwskyj – When my father purchased the property and purchased the 23 feet there was no house across the street. His purchase was in 1983 the house across the street was purchased in 1985. Edna Miller already had it documented at Macomb County, the 23 feet, I don't know what happened between the new owners across the street in 1985 acquiring my father's property.

Ms. Christine Kowalczyk – In 1983 the 23 feet was already documented, surveyed and stamped with Macomb County.

Ms. Lorrain Kryzaniwskyj – According to our attorney the only way to rectify this is to go ahead and do the lot split with Laronda's signature, she's already notarized that she's fine with us taking the 23 feet. So what we need here today is your approval so the city can add the 23 feet to the property so we can move on.

Ms. Christine Kowalczyk – The reason why we didn't put the house up for sale until February 4th is because my dad passed away the day after Christmas and in our religion we have to wait 40 days before we do anything. So we waited the 40 days and when the 40

days was up, which was February 4th we listed the property. We also paid the $500.00 dollars for the lot split application fee as well.

PUBLIC HEARING:
Mr. Joseph Hunt – I was looking at the on line code ordinances and I don't see anything against this particular lot split and combination. They own the property, it's been zoned, it's been surveyed and there's a relationship between the property across the street. I'm definitely in favor of this lot split and combination for the individuals so that they can sell this property. I don't see any limitations that are within the code of ordinance read them there's nothing here that prohibits this. I know that Mr. Earl is a smart individual he's at Chicago and Mound Road right in this district of section 5 so he would know better than anybody and he's been practicing law in this city for a long time. Look at the ordinance there's nothing here that would prohibit it so I'm in favor of it.

Mr. David Maurer – I live two lots down from his property I think it should be approved. It would stop a whole lot of hassle, it would put everybody at peace, and keep the people happy. It's been mixed up for a long time and we never knew anything about it. We'd like to keep the neighborhood peaceful so I think with all good common sense it should be approved and it should be done.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
ENGINEERING: Preliminary review yielded the following comments:
The parcel split/combination is not necessary. The legal descriptions and Title Commitments for both parcels are inclusive of this parcel split/combination. The legal description and parcel depiction on Macomb County GIS is incorrect.
ZONING: Approved.
FIRE: Approved.
ASSESING: Approved.

Mr. Ron Wuerth reads the recommendation of the Staff:
**Just a few comments regarding all this. First I want to make the statement that these titles were approved at the Macomb County Register of Deeds back in the 80's, but they never were approved by the City. That's what is at issue here. It's not that they were right or wrong they just simply weren't reviewed by the City and City Council had to approve these to make them right and it is my belief that they are right. That's what we are here for we have to go through this process and make sure they are right. The Engineering Division

makes a statement about the parcels and they are right in the fact that it says the legal description and parcel depiction on Macomb County GIS is incorrect. They are absolutely right once we get this approved we can correct those things through this document and send off to the county and they will make a change to their maps and we will make a change to all the records that we have.

I've been working on this since May when I first had a meeting with Mr. Earl. Mr. Earl was advised from the very beginning to go through the process and approval would be obtained, I'm simply stating a fact here he was informed. And I'll go as far as to say this whole issue would have been completed by now we wouldn't be standing here now if action would have been taken right away. It's not that the City didn't try to help because I will tell you that every department became involved in this including the former City Attorney and the now Acting City Attorney. All that work and discussion was unnecessary and frankly right now I'm glad we are here at this point. As far as I'm concerned once this gets approved by City Council we will move as rapidly as we can to help these people move forward and get these conditions approved and completed so that they can sell that property and move on with their lives. So with that the recommendation is submitted.

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

COMMISSIONERS PORTION:
Assistant Secretary Smith – Mr. Wueth I understand the situation that the ladies have been going through I actually went to the site yesterday and looked around. Normally like when we have an alley vacation one person gets half of the alley but this is a whole street that's included in that property. There is a property north of that which says private drive and part of the 23 feet does go into the property of the property across the street, which takes part of their driveway. If this property is included in with their property will the people have to have an egress to go to the property to the north? Say they change owners and the new owner says well we don't want them to be on the property what kind of protection do they have to say this is the way it is the street is part of this property? It seems like there should be some agreement so that the people that have to drive down that street to either go to the property on the right that's losing part of their property and the one to the north of that will still be able to have their access without any kind of problems?

Mr. Ron Wuerth – Mr. Smith, Winchester is a public street up to this point where these properties are that we are talking about. From that point and on their property it turns out to be a private road, it was a private road for quite a few years before they came along. You've got two lots to the north and the one farthest north to my knowledge seems they were there first and then they sold the parcel right immediately to their south and in their deed they made sure that they had access across that property to continue on to the roadway. But that didn't happen when it came to these two parcels across from each other. And that is the reason for condition number one where access agreement is given to that property to the north, that property has already given access to the other property that's farther north. So it just follows that once this is in place there will be no one landlocked. I've heard that term before and that's what we are trying to achieve here. If we get this document in place then everyone can use the private and the public roads without a problem.

Vice Chair Kupiec – To the petitioner, make sure you have a copy of the recommendations if you do not have a copy get a copy tonight before you leave or make arrangement to find out how you get a copy of the recommendations. As you hear he was in favor of getting this done but there are some responsibilities that you have also as a citizen and as a land owner. Also it was stated that Mr. Earl was fully advised of what to do at some point and time. So it needs to be taken care of on your end also make sure you have recommendations and follow what Mr. Wuerth tells you and I'm sure you'll be successful.

Ms. Lorrain Kryzaniwskyj – I do have those recommendations sir, my problem is with number three and number four where they want us to get in contact with utilities when we already have utilities. I have the deed that says that they have utilities in the back of my parent's property. So for us to get in touch with utilities plus grading and draining the street that's existing there are sewers there. Grading and draining the street for what purpose, I don't understand that. So he's putting these recommendations on us that you are going to agree to tonight because that's what you're hearing, but on my side of it what is grading and draining when the street exists. Everything is in place the utilities are in place like I said my father lived there for 36 years. It says utility company be given the opportunity to obtain an easement, what easement, I have documentation of easement why would I need to get in touch with utilities for what purpose we have utilities. I don't understand number three and number four on the recommendations, before you vote on this tell me why I have to do this?

Vice Chair Kupiec – Okay well number three have you ever contacted the Public Service Director requesting an inspection of the site?

Ms. Lorrain Kryzaniwskyj – No.

Vice Chair Kupiec – Well that's number three that's one thing you have to do. And number four Mr. Wuerth can you explain that to her, but what I think he's talking about is just having a utility company come out and check to make sure that they have access to their utilities. Not if the utilities are working or not it's access to be able to work and service the lines if need be. You need to contact the Public Service Director because this is a matter of ordinance that you have to follow.

Ms. Lorrain Kryzaniwskyj – I understand that, I guess I needed clarification of what we're supposed to do.

Ms. Christine Kowalczyk – We are currently paying the utilities on this house the water, the electric, the gas, everything currently is still running in that home and we are paying those payments to the utility companies.

Ms. Lorrain Kryzaniwskyj – It's on the deed it says 5 feet easement over the rear of lot 14 for public utilities, it's in the rear they are not on the street.

Mr. Ron Wuerth – First I will go with number four since we are talking about the utility company. It's a common request that these companies have the opportunity to obtain any easements they may require. We don't know if the easements that they have out there right now are correct or not. I understand about deeds and I understand easements but sometimes utility companies have reasons to change those easements, alter them, or do nothing to them and they are satisfied. But what it does take is a contact a letter to them and utilizing this document you're going to get a letter sent to you this Friday. It will talk about this recommendation that we are making, remember this recommendation goes to City Council you can probably get a jump on things by contacting the utility companies in advance because it will probably take a month and a half to go to City Council from here. You can probably call them and ask them in advance if they have any reason to change easements or do any of that. It's contacting everyone that now services that house.

Ms. Christine Kowalczyk – I still have the same question why would we have to contact them if we already have them existing?

Mr. Ron Wuerth – They exist but as I said just earlier here sometimes they want to change them to improve access that's one of the reasons why.

Ms. Christine Kowalczyk – So that would be change things and improvement only for our house?

Mr. Ron Wuerth – It could very well be everyone else but they will come out and take a look. It's a common thing that utility companies will do, they change things.

Ms. Lorrain Kryzaniwskyj – This common thing will take how long?

Ms. Christine Kowalczyk – You're recommending that the utility comes out nobody else is having a problem with utilities it's your recommendations, the City's.

Mr. Ron Wuerth – This particular requirement is something that we have required of all lot splits since I've worked for the City 26 years and that requirement has been in every one of those lot splits in 26 years and before then. As I said this is a common requirement, this is not unusual.

Ms. Lorrain Kryzaniwskyj – Other than yourself who makes this common requirement?

Vice Chair Kupiec – Mr. Wuerth I think what we need to do as I suggested to the petitioner they need to contact you either after this meeting or come to your office and discuss all this with you, because obviously there's a lot that has to be discussed here. And it sounds like Mr. Earl has been advised of some of this previously. So I think this is something that needs to be done away from this audience and in private. I think we need to put this to a vote.

Ms. Lorrain Kryzaniwskyj – I don't understand what three is?

Mr. Ron Wuerth – Three is simply allowing the Engineering Division to come out check the drainage, obviously they are not going to grade anything, it's a hard surfaced area. They will look where and how the drainage goes if there's never been a problem they are going to approve it. By the time you get to City Council you can have both of these items taken care of if you react right away. The Public Service Director will direct the City Engineer to send someone

out there to take a look at the area. The thing you have to understand this is for the protection of the public, your protection, and everyone in that neighborhood and that's the reason for that.

Commissioner Robinson – Mr. Wuerth, is it merely them contacting the utility company and maybe getting a letter or something from them that say the proper easement is okay in parcel here, would that suffice?

Mr. Ron Wuerth – The answer is yes, neither one should take that long.

Vice Chair Kupiec – We have a motion by Secretary McClanahan, support by Commissioner Vinson.

ROLL CALL:
The motion carried unanimously as follows:

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

D. SITE PLAN APRPOVAL FOR PARKING LOT REALIGNMENT; Located on the east side of Ryan Road; approximately 580 ft. south of Thirteen Mile Road; 30758 Ryan; Section 8; Patrick Westerlund.

PETITIONERS PORTION:
Mr. Patrick Westerlund – I'm with TDG Architects at 79 Oakland Avenue in Pontiac Michigan, we are here representing Rob Cordaro for the property that he owns on Ryan Road. We are doing a simple expansion to the parking lot it's a mere 1200 square feet pavement are to provide eight additional parking spaces to the property.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
ENGINEERING: Preliminary review of this site has yielded the following comments:
All hard surfaced areas on private property must be internally drained.
FIRE: Approved.
DTE: Approved.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:
Mr. Ron Sangster – I'm a tenant in the building directly north where this parking lot alignment is planned. Is there a place where I can get a copy of this so that I understand what the aim of it is. I know that they have limited parking as it is, is this going to increase their parking I haven't heard anything. I guess what I really what to know is why are we doing this?

Vice Chair Kupiec – Why is he doing the parking realignment, to the petitioner your neighbor has a question for you.

Mr. Patrick Westerlund – We are just trying to expand and provide more parking. Here's the building Ryan Road is here so we are going to have some additional parking spaces here.

Mr. Ron Sangster – You are going to move on to the greenbelt?

Mr. Patrick Westerlund – Yes we are paving into the greenbelt, into the green space where that sign is. So we are parking or paved spaces to reduce that green space where that sign is we are going to park closer to the sign.

Mr. Ron Sangster – If you are going to park closer to the sign or go into the greenbelt here how are people going to park because there's a common driveway between our buildings.

Mr. Patrick Westerlund – We are providing the parking spaces beyond that common drive so we are going to pave into the green space so that common drive will still exist.

Mr. Ron Sangster – Will people back out into the driveway or pull in from the driveway that's a straight through shot between our buildings.

Mr. Patrick Westerlund – Correct and that's one thing we have to do is sit down and make sure we have the proper ingress and egress easement between our two properties that defines that area. This is what the shared area is and the parking will not encroach upon that shared area.

Vice Chair Kupiec – Sir, there is a view up on display if you care to look at it.

Mr. Ron Sangster – I'm fine with that as long as I can get a copy of this. One question will you be voting on this this evening?

Vice Chair Kupiec – Yes we will.

Ms. Diane Woelkers – I am a renter of the facility I am the biggest property on the location 2200 square feet. I own a Curves Gym we just moved from Village Plaza in March over to the structure. We have a wonderful landlord we love it we couldn't be happier. We have approaching almost 400 members to my gym so that is the need. The collision place to the left of me on occasion some of my members are parking in his lot to facilitate our parking. Everything is fine except for on Thursdays and Fridays when the nail and the hair shop have all of their ladies in there and mine in addition. So it would be greatly appreciated again we couldn't be happier we have the best landlord, the City of Warren just everybody that's been involved have been great. I just wanted to say thank you for evening hearing this proposal and I hope it goes through because again my numbers are growing. My ladies are only in for a 30 minute workout so it's pretty much in and out and we really could use a few more parking spots so we don't have to use the neighbor's lot.

MOTION:
A motion was made by Secretary Smith to approve, supported by Commissioner Karpinski.

COMMISSIONERS PORTION:
Commissioner Pryor – I was over there to look at the property it seems like the area that they are trying to make parking is pretty restricted. I understood it was supposed to be six areas and now they are talking about four areas for parking?

Mr. Westerlund – There's that center island and there's four parking spaces on each side so a total of eight parking spaces.

Commissioner Pryor – Would you possibly consider removing that whole green area and using it for parking?

Mr. Westerlund – It wouldn't really add to the additional parking spaces just because of the width of the lot. The configuration doesn't allow it. We looked at this in multiple ways of trying to maximize parking as best as we could and we thought that in this scheme we had the most parking spaces available to us. As a side note it preserves some green spaces so we tried to maximize the parking and providing as much green space as available to that location.

Commissioner Pryor – The area to the north looks like it's pretty restricted. I know you have some blocks to remove but I would have liked to see a little bit more area there that's all.

Vice Chair Kupiec – To the maker of the motion in looking at the area and looking at the recommendations I think that the estimate is a little on the low side as is the bond. In view of the fact that he has to put up a trash enclosure along with the significant amount of repair there is in the property, the restructuring of the surface and replacing of the surface, along with the concrete blocks. I think the estimate should be closer to $30,000.00 dollars and I'd like to make a recommended bond of $900.00 dollars versus the $300.00.

Assistant Secretary Smith – I accept that.

Commissioner Karpinski – I accept that.

Vice Chair Kupiec – So we will therefore have a recommended estimate of $30,000.00 dollars with a bond of $900.00 dollars.

ROLL CALL:
The motion carried unanimously as follows:

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

E. SITE PLAN APPROVAL FOR BUILDING ADDITION AND RELOCATION OF GASOLINE TANK; Located on the south side of Ten Mile Road; approximately 180 ft. east of Antoinette Avenue; Section 26; 12500 Ten Mile; Dennis Wasko (Aaron Contracting).

PETITIONERS PORTION:
Mr. Dennis Wasko – I represent ITC and this is just an addition to an existing warehouse and there was a couple of questions on the parcels. ITC owns both parcels they said something about combining the two but they do own both parcels there. There was another question about the distance setback, we're looking for 2000 feet. The drawing really doesn't show it, there's a dotted line that cuts it off but they own the property all the way to Stephens. So there's more than the 150 feet that it looks like on the drawing

there's really actually, like I say it goes all the way back to Stephens so it would cover that 2000 foot setback easily. As far as redoing the drawings with the hard surface that wouldn't be a problem. Again the two parcels identified must be combined to one parcel I guess that would be your call but again they own both parcels at this point and time.

One of the questions that I had was I think there was some concerns on the fuel tank. We've got to move the one because whenever we've done these fuel tanks for them we use the Michigan Petroleum Associations Guidelines. And there guidelines are 40 feet from the building and that's why with this addition we had to move the diesel fuel tank that's sitting there. We've got to get it 40 feet away from the building however your set back is asking for 150 feet from a property line, the Michigan Petroleum Associations calls 50 feet from a property line. But again it's normally 50 for MPA standards. We were going to move it about 80 feet from the property line and more than 40 feet from the building.

Open storage basically the whole yard is kind of an open storage and the purpose for that is there's a 12 foot fence with slats in it so no one can see in so it's really set up as a total storage area. The retention facility I'm not sure where that came in on the drawing, but if you look at the site property there's a manhole right near where we are adding that building and then it runs out to the main storm drain right there underneath 10 Mile, that must have been a while back about the retention pond if you look at it everything runs out towards 10 Mile into the main storm drain and the two dumpster can be added to the drawing that's not a problem.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
Engineering: Preliminary review of this site yielded the following comments:

1. A parcel combination is recommended for parcels 13-26-131-001 and 13-26-201-001. Otherwise, an ingress/egress agreement may be required.
2. Identify the location of all existing utilities and corresponding easements. No permanent structure shall be proposed or constructed within an easement. It appears the Oakland-Macomb Interceptor Drain may be within the influence of the existing building and proposed expansion.
3. Any improvements within the Ten Mile Road right-of-way will require approval of the Macomb County Department of Roads.

4. The gas tank relocation may require permits from the State of Michigan.

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

1. Relocation of the 1,000 gallon diesel tank shall meet the requirements of the 2012 edition of the International Fire Code for outdoor, above ground tank storage of flammable and combustible liquids, especially Chapter 57 and Section 5704 of the fire code.
2. The tank shall meet all applicable requirements of NFPA 30 as referenced by the adopted fire code.
3. Placarding, secondary containment, tank labeling, location and fire resistance rating of the tank supports shall meet all the requirements of Chapter 57 of the fire code and NFPA 30.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Joseph Hunt – I'm in strong favor of approval of this proposed building addition and the relocation of the gas tank. I think the petitioners plan is fantastic and aside from all the various contingencies I think it will be a great improvement for the area so please approve it.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – One of the concerns that I had was if the gas tank was supposed to be removed within the year of 2004 and we are in 2015 why is it taking so long to get that accomplished?

Mr. Dennis Wasko – I knew nothing about it to be honest with you. My question on the fuel tank is there a way of moving it to a proper location to meet whatever your requirements are to move it, as long as they are moving the other, one move both of them? I'm just getting into this project and I knew nothing about the other fuel tank.

Assistant Secretary Smith – I think the one in question, and correct me if I'm wrong Mr. Wuerth, is the ones by the addition that you are getting ready to construct that's the one that has to be moved to a new location which is showing on the drawing.

The other question I have is I was at the site today you said it has to roll off dumpsters I counted four roll off dumpsters in there. Plus the

dumpster by the eastside of the building and on the recommendations it says these particular dumpsters are within a 12 foot high screened in fenced area and none of them are in a screened in fenced area at all. The one on the east side of the building is not and the four roll offs are not screened in either, they're all just sitting out there in the middle of the yard. They are sitting together but they are in the yard with no type of structure around them.

Mr. Dennis Wasko – The entire site is surrounded by a 12 foot fence right.

Assistant Secretary Smith – I understand that but the dumpsters themselves are supposed to be screened in separate from the entire site. Like I said on here it shows two and I was there today and there were at least four lined up together?

Mr. Dennis Wasko – They normally have four on site.

Assistant Secretary Smith – Therefore the screening in for the dumpsters has to include as many as you're going to have, there's not just two, if you're going to have four then they have to be all screen in. Normally we require a concrete wall around the dumpster area with screened in gates. So by allowing the chain link fence it is letting you get away with a lot of things that we normally don't require or allow.

Vice Chair Kupiec – Mr. Wuerth I have a question on this dumpster enclosure as Commissioner Smith indicated he seen four and as the gentleman that says he's newly involved with his project said he was unaware of some of the things going on, but he's aware of the fact there's at least four there. The enclosure will have to enclose a minimum of four dumpsters and will it require a cement pad in the enclosure for the dumpsters?

Mr. Ron Wuerth – Well normally it would, I have to opt for the side of the petitioner. That entire side is enclosed, of course it's not illegal, but it certainly does enclose the area you cannot see from the outside. So being able to make sure that they are managed correctly inside there is probably the only issue not necessarily screening it from the public.

Vice Chair Kupiec – And as far as that 12 foot enclosure round the perimeter of the property he has to go before the ZBA for approval of that because right now it's illegal, six foot is what the ordinance calls for.

Mr. Wuerth – That's correct it should be six foot I think that there was a discrepancy back in 2004 or something like that when they went to the Zoning Board of Appeals they should have gotten a height variance there. I actually don't think they are going to have a problem getting that variance but the whole site is totally enclosed and the public has a rough time seeing anything in there. But as I said those need to be managed correctly so that they are not just setting out in the middle of the yard it dangerous to the operation of that building.

Vice Chair Kupiec – It also involves safety, just the ascetics of it if people are dumping in dumpsters and people are walking back and forth between the dumpsters that's how injuries occur on job sites.

Mr. Ron Wuerth – It comes down to that site management with those but I don't see where additional screens can help. And if I'm correct the petitioner indicated that there's already concrete out there is that true?

Mr. Dennis Wasko – Yes.

Mr. Ron Wuerth – So there's already the concrete base it's just a matter of keeping those in the correct area.

Vice Chair Kupiec – I have a question on your gas tanks, I know you said you're somewhat new to the overall operation or are you familiar with it?

Mr. Dennis Wasko – I've worked with these guys for about eight years I manage all their warehouses around the state.

Vice Chair Kupiec – Are they gasoline tanks or are they natural gas tanks?

Mr. Dennis Wasko – They've got a diesel fuel tank and a gas tank in every yard.

Vice Chair Kupiec – It's a gasoline tank not natural gas?

Mr. Dennis Wasko – No it's gasoline.

Vice Chair Kupiec – What equipment uses the gasoline, do you have any idea?

Mr. Dennis Wasko – The trucks they have pickup trucks that they use the gasoline for.

Vice Chair Kupiec – And you prefer to gas on site?

Mr. Dennis Wasko – They've got a 1000 gallon diesel on site and a 500 gallon gas tank on each site.

Vice Chair Kupiec – And you're requesting another gas tank now?

Mr. Dennis Wasko – No, because of where the buildings going the diesel tank's going to be too close to the building for the requirements. It's supposed to be 40 feet, once we build the new building it would be too close so that's why we are trying to move it.

Vice Chair Kupiec – So finally since 2004 we will get that gas tank moved and put in the proper location?

Mr. Dennis Wasko – I'd move both of them. Again you are asking for 155 feet. Everything I've always work with is 50 feet from our property line and 40 feet from a building that's the way they are normally set up. Tell me where to put them I can put them where ever we need to put them.

Vice Chair Kupiec – I can't personally tell you but Mr. Wuerth either can tell you now or tell you at a later date if you'd like to meet with him, Mr. Wuerth?

Mr. Ron Wuerth – Well I can make this statement, I'd like the Fire Department to be involved in where these should be situated on the site, that's most important. I honestly don't know where the requirement of a 155 feet came from its beyond me why the Zoning Board of Appeals indicated that other than to be as far away as they felt was fair away from the residential district to the west. Whatever is safe of course that's what we're after here, so that's what's necessary is to make sure that the fire department can chime in and make sure these tanks are where they should be. The one to be removed, if it's to be removed fine, and I'll say this if their operation requires that extra tank then you need to find out. Because certainly it was supposed to be removed 10 years ago, you need to look into that.

Vice Chair Kupiec – And in the findings the recommendation from the Fire Department was they specifically relate to a chapter in a section as to the fire code so that should give you the specifics on that okay.

Assistant Secretary Smith – In your recommendation you talk about open storage not being indicated on the site plan, I noticed when I was there there's a lot of open storage there's things along the side of the fence there. Also on the east side of the building you have an area where you are storing some cylinders looks like they might be oxygen or saline or something they are tall cylinders that have round caps on them.

Mr. Dennis Wasko – On the side of the warehouse where it's kind of covered and then there are some plastic sheets?

Assistant Secretary Smith – Well I could see them when I drove by they were exposed, we probably need to have all those kind of things indicated on the drawing also. Because those are other tanks and they may be flammable and like I said you are dealing with gas on the one side but then you have other gases on the other side. So those should be noted I think in the open storage area. What is your thought on that Mr. Wuerth?

Mr. Ron Wuerth – Well I most certainly want to know where the open storage is on that site. The concern is and I couldn't get in there its tight security and that's good, but I did take a look at the site from Google Earth and they showed a lot of the open storage of materials in parking areas. So I'm concerned about how that's all going to work because you've got to maintain your parking and they showed open storage in parking areas and over parking spaces.

Mr. Dennis Wasko – That's part of the reason why they are putting that fence out in front to create the storage out there instead of in the yard. They are overgrowing inside the yard so they want to put the fence out.

Mr. Ron Wuerth – Okay but this plan doesn't show that where storage was going to go.

Mr. Dennis Wasko – We can update that.

Mr. Ron Wuerth – There's a lot you have to update.

Vice Chair Kupiec – I sounds like we have to take a look at the plan with Mr. Wuerth and go over his plan more in detail where you have a full understanding of it and make revisions as needed. Because obviously before any building permits will be issued you will have to meet all the requirements.

Assistant Secretary Smith – Thank you Mr. Chair.

Vice Chair Kupiec – We had motion by Assistant Secretary Smith supported by Commissioner Vinson.

ROLL CALL:
The motion carried unanimously as follows:

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

7. CORRESPONDENCE

A. SITE PLAN FOR MONOPOLE TOWER AND ANTENNAS; Located 361 ft. west of Ryan Road; approximately 727 ft. south of Eleven Mile Road; 26601 Ryan; Section 19; New Par dba Verizon (Melissa Brofford). Letter to explain DENIAL of project procedure.

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

8. BOND RELEASE

A. SITE PLAN APPROVAL FOR TRUCK DOCK/TRUCKWELL AREA FOR THE MOUND BUSINESS CENTER; To be located on the northwest corner of Mound and Eleven Mile Roads; 27027 Mound Road; Section 17; Ashley Mound, LLC; Kenneth Bowen (Joseph N. Webb, P.E.). Bond Release of $15,000 Cash Bond paid on October 15, 2013.

MOTION:
A motion was made by Assistant Secretary Smith to release bond, supported by Secretary McClanahan.

ROLL CALL:
The motion carried unanimously as follows:

Assistant Secretary Smith…….. Yes
Commissioner Vinson……. Yes

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

B. SITE PLAN APPROVAL FOR TWO DRIVEWAY APPROACH IMPROVEMENTS TO THE MOUND BUSINESS CENTER; To be located on the northwest corner of Mound and Eleven Mile Roads; 27027 Mound Road; Section 17; Ashley Capital, LLC (Kenneth J. Bowen). Bond Release of a Cash Bond for $1,800.00 paid on July 23, 2013.

MOTION:
A motion was made by Assistant Secretary Smith to release bond, supported by Secretary McClanahan.

ROLL CALL:
The motion carried unanimously as follows:

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

9. OLD BUSINESS

A. MINOR AMENDMENT TO APPROVED SITE PLAN FOR NEW CHURCH; Located on the west side of Lorraine Boulevard, approximately 684 ft. north of Twelve Mile Road; 29293 Lorraine; Section 10; Fr. Michel Cheble (Souheil Sobak); the minor amendment is for a passenger vehicle drop off maneuvering lane at the entrance to the church.

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

PETITIONERS PORTION:
Mr. Souneil Sabak – Thank you for considering our proposal. What we have is a slab on the west side of the Church that is about 40 feet by 60 feet that deteriorated beyond repair. We are considering the

replacement but Father Cheble decided that maybe we should consider a drop off that makes it easier for the older parishioners to be dropped off at the Church instead of walking through the parking lot. That's what we designed and proposed. I'm a parishioner and also the Engineer of record on the project and we would just like to construct this drop off area in front of the Church to make it easier for the elderly to be dropped off instead of walking, some are in walkers and wheelchairs.

We received the recommendations by Mr. Wuerth and we are in general agreement with most of the items except for the landscaping item we'd like some relief on the timing of it we are facing some financial hardship in the Church and we would like to see if we can get at least 3 years to complete the landscaping that's been requested along the north side, east side and south side of the Church.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
FIRE: Approved.
ENGINEERING: Approved.

Mr. Ron Wuerth reads the recommendations of the Staff:

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

COMMISSIONERS PORTION:
Assistant Secretary Smith – I understand you say you've got some financial difficulties on the landscaping but there was a letter sent to you November 23, 2004 about the handicapped signs in front of the handicap parking spaces, that's 11 years ago. When I went by the site today there was still no handicap signs in front of the handicap parking spaces so what seems to be the issue with not being able to put the signs out?

Mr. Souheil Sabak – We will be able to put the signs out that's not an issue I just talked to Father earlier and we can put the signs up. The issue was we had a different committee handling the construction of the site and I wasn't involved with that so they didn't do it. We just found out that they need to be put in place. We've had about four Priest changes in the parish since then so it wasn't done, it could be done now.

Commissioner Robinson – I have a question regarding the petitioners request for an extension for the landscaping is that something Mr. Wuerth that you would be okay with for three years?

Mr. Ron Wuerth – That's not for me to okay, when a plan is approved the petitioners have two years to accomplish what it is they need to accomplish. The extra year would have to be your decision as to whether you would allow them a total of three years to accomplish the landscaping.

Assistant Secretary Smith – Normally as Mr. Wuerth said we only allow two years so I would like to hold it at the two years.

Mr. Souheil Sabak – I think we can consider that I'm sure Father will take care he will discuss that through his commissions and make sure they can fund him.

Assistant Secretary Smith – The only reason I'm saying that is because the handicap signs have been 11 years, I don't want to keep stretching the job out.

Vice Chair Kupiec – You indicated you have a new commission within the Church that's taking care of some of these things because it's a clean looking facility it's somethings like handicap signs are required by State Law and 11 years is unacceptable. So please share your recommendation that Mr. Wuerth gives you with your commissions and make sure everybody understands what needs to be done in a timely basis.

Mr. Souheil Sabak – That's correct they already started doing some improvement around the building. I'm sure we can get them doing the landscaping.

ROLL CALL:
The motion carried unanimously as follows:

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

B. SPECIAL LAND USE APPROVAL FOR USED CAR FACILITY; Located on the east side of Mound Road approximately 373.64 feet

north of Eight Mile; 20787 Mound Road; Section 32; Majed Marogy (John Bingham(; Withdrawal of special land use application. Started a new project and needed to withdraw this one to continue.

Secretary McClanahan – Mr. Chair I have a letter here from Majed Marogy asking to withdraw the application filed for special land use approval for a used car facility that was denied on April 28th, 2014 for 20787 Mound Road, Warren Michigan 48091. Thank you if you have any questions or concerns please feel free to contact me at my office or cell. Sincerely Majed Marogy.

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

10. NEW BUSINESS

A. Updating Bylaws on voting procedures.

Secretary McClanahan – I have a letter from Mary Michaels, need a motion to receive and file.

MOTION:
A motion was made by Secretary McClanahan to receive and file, supported by Assistant Secretary Smith.

Mr. Ron Wuerth – This request was sent to you and Mary Michaels, Acting City from myself. This had to do with a result of the four three vote the first time around with the medical marijuana and the issue of whether it was to be tabled or not.

Now it's not clear in our bylaws about the tabling issue there was much discussion, but we realized that it should be tabled and of course we didn't do that. But when issues like this come up it's my opinion that we need to have an answer without having to wonder about it or theorize about it. As long it's right in our bylaws and it's says that there's a four three vote that's a tabling because you need five votes to send things to City Council. So that's why I felt that this should be brought before the Planning Commission.

I've had discussion with the Assistant City Attorney and she may have perhaps changed some of the language but this is the first draft, I don't actually expect this to be approved tonight. I expect that if there are any changes that the Planning Commission seems to believe that they want to make to this then certainly do so and I'll

work with the City Attorney's Office to get this language so it works for us in the future and there will be no questions.

Vice Chair Kupiec – Along them same lines I'd like to make a comment that I have requested many years ago for this process to be reviewed and unfortunately with the changes of City Attorney's it seems to have been put to the wayside and nothing really has been done to rectify this. And here again the situation came up now where we had to make an addition to it, but there are also other things out there that are outdated that need to be addressed. So I think that we need to sit down with the City Attorney's Office and have a subcommittee put together to go over our bylaws and update all of them because I think there's a lot that need to be updated.

Secretary McClanahan – I'd like to thank the City Attorney's Office for their hard work on this.

Ms. Caitlin Murphy – I am keeping a list of things that we need to change and I would be happy to work with you when you assemble your bylaws subcommittee. So on the issue in front of us today, this amendment, I had a couple of comments about addressing the issue of not just a majority vote in the language but also a tie, a possible tie. There could be a four four tie so I would recommend some language like to replace the only accomplish a majority vote to something along the lines not received the requisite five votes either in favor or against an item. I think this addresses the potential that we would have of a four four or even a three three vote. It's just a little broader language, it covers more situations not just the majority vote that doesn't have the requisite five.

Vice Chair Kupiec – Are you suggesting making a change to the proposal that was given to us tonight?

Ms. Caitlin Murphy – Yes.

Vice Chair Kupiec – My suggestion would be make the changes and submit them at our next meeting.

Ms. Caitlin Murphy – Procedurally we submit these in writing either the Planning Department or one of you submits it in writing and then the next meeting you actually vote on it. In the bylaws it states that the vote doesn't come until the next meeting.

Vice Chair Kupiec – Right so I'm saying any changes that you're suggesting tonight you'll add to what was changed and submitted to us tonight and we'll have it for the next meeting.

Ms. Caitlin Murphy – Yes, sounds good.

Mr. Ron Wuerth – Just a question to the subcommittee do you want a meeting, do you want me to schedule a meeting between now and August 24th so there can be discussion on this?

Vice Chair Kupiec – I think it would be appropriate, it's long overdue and we need to get off the ground and get something going so see what's available.

Mr. Ron Wuerth – I'll check with the members and hopefully everyone can attend.

Commissioner Vinson – I was just going to suggest that the motion that we just had would have been improper because this is a bylaw recommendation from the director and under our bylaws article 11, 11.1 it says that they should present it tonight and six commissioners have to vote to present it to the next membership meeting, that's all I wanted to add. So basically we can still write up what you have to write and present it to the next meeting.

B. Nomination for Officers of the Commission.

Vice Chair Kupiec – To the Commissioners and to the Attorney's Office with two members missing tonight is it appropriate to do this or should we wait until we have a full board or will we just get nominations tonight for the positions?

Ms. Caitlin Murphy – Yes.

Commissioner Vinson – We can do that.

Vice Chair Kupiec – Okay I'll leave it up to the Secretary to call the positions and open up the vote.

Commissioner Vinson – Nominates Chair Howard for position of Chair.

Vice Chair Kupiec – With no other nominations we will close Chair and open up Vice Chair.

Assistant Secretary Smith – Nominates Vice Chair Kupiec for position of Vice Chair.

Vice Chair Kupiec – I would like to take this under advisement and give my decision next week. With no other nominations we will close Vice Chair.

Assistant Secretary Smith – Nominates Secretary McClanahan for Secretary.

Secretary McClanahan – I do accept that thank you.

Vice Chair Kupiec – Mr. McClanahan will be on record as being the Secretary.

Vice Chair Kupiec – Nominates Assistant Secretary Smith as Assistant Secretary.

Assistant Secretary Smith – I will accept thank you.

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

C. Approval of next year's Planning Commission Schedule Meetings.

MOTION:
A motion was made by Secretary McClanahan to receive and file the dates and approve, supported by Commissioner Vinson.

Commissioner Vinson – On the schedule for May 23rd, 2016 that's the Commissioner's Dinner Date so we will have to make some arrangements on that.

Vice Chair Kupiec – What we are doing is approve the dates for 2016 with discussion to be voted on tonight.

Secretary McClanahan – It's been brought to our attention that May 23rd is the Commissioners Dinner so I would like to change that date.

Mr. Ron Wuerth – We could probably move that to the 16th.

Secretary McClanahan – As the maker of the motion I have no problem with moving it to the 16th.

Commissioner Vinson – I support that.

Vice Chair Kupiec – I strongly recommend to all the Commissioners that we consider this because in the past those of you that have not attended, you should plan to attend because it is a worthwhile function. You get a chance to rub elbows with all the other Commissions also the Mayor and the Council, enjoy a good dinner and good conversation. Over the years we've tried to get our date changed around their dates and we finally got that in line this year for once and I'd like to make sure we do it again so the 16th sounds good to me.

Mr. Ron Wuerth – We still have to check and make sure that the auditorium is available so I'm not sure about the 16th, all I can do is say that's a better date so I'll find out if it's available.

Vice Chair Kupiec – Mr. Wuerth aren't these all contingent on the budget approval?

Mr. Ron Wuerth – This is all part of the budget approval yes.

Vice Chair Kupiec – These dates are all part of the approved budget?

Mr. Ron Wuerth – Great thank you.

Commissioner Robinson - I'm going to be out of town next week so is it appropriate for me to send in my approval of the bylaws and the nominations since I won't be here?

Ms. Caitlin Murphy – As far as the vote on the bylaws you do have to be present to vote on that, however with the elections you can submit to the City Attorney's Office in a sealed envelope your vote on the election. I believe it's like 24 to 48 hours before hand.

ROLL CALL:
The motion carried unanimously as follows:

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

Vice Chair Kupiec – The motion has been approved for the dates for 2016 meetings with one change eliminate May 23rd and add May 16th.

11. CITIZEN PARTICIPATION
None at this time.

12. PLANNING DIRECTOR'S REPORT
Mr. Ron Wuerth – I'm a little embarrassed here because I don't have one I was to concerned with some of these other issues today and I did not put it together. I apologize I'll have double the amount next time.

13. CALENDAR OF PENDING MATTERS
Vice Chair Kupiec – I have the one main thing that we talked about tonight and that is if we can get together and get these bylaws looked at and see if there's something we can do about upgrading them so hopefully that will happen in the near future.

14. ADJOURNMENT

MOTION:
A motion was made by Commissioner Vinson adjourn, supported by Secretary McClanahan. A voice vote was taken and the motion carried unanimously.

The meeting adjourned at 9:29 p.m.

_____
John Kupiec, Vice Chair

_____
Jason McClanahan, Secretary

Meeting recorded and transcribed by
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