

CITY OF WARREN  
PLANNING COMMISSION  
PUBLIC HEARING

Regular Meeting held on February 6<sup>th</sup>, 2017, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, February 6<sup>th</sup>, 2017, at 7:00 p.m. in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners present:

Jocelyn Howard, Chair  
Natasha Houghten  
Edna Karpinski  
John Kupiec, Vice Chair  
Jason McClanahan, Secretary  
Syed Rob  
Claudette Robinson  
Warren Smith, Assistant Secretary

Also present:

Ron Wuerth – Planning Director  
Michelle Katopodes – Planner I  
Judy Hanna – Senior Administrative Secretary  
Elizabeth Saavedra, Planner Aide  
Caitlin Murphy - Assistant City Attorney  
Megan O'Brien - Communications Department

1. CALL TO ORDER  
Chair Howard called the meeting to order at 7:04 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

MOTION:

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

5. APPROVAL OF THE MINUTES – January 23<sup>rd</sup>, 2017

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. REQUEST FOR REZONING: Located on the north side of Rivard Avenue; approximately 110 ft. east of Van Dyke Avenue; from the present zoning classification of R-1-P, One Family Residential and Parking District to C-2, General Business District; Section 34; 8021 Rivard; Fawzi Charara.

PETITIONERS PORTION:

Mr. Robert Tobin – Good evening I have a rezoning and an alley closing and my clients the owners are not here. I'd like to delay it until they come I don't know what happened to them.

Chair Howard – Mr. Tobin what we are going to do is move this agenda item down after Old Business that would give your petitioner roughly about 40 or 45 minutes. Hopefully they will be here by that time.

Mr. Robert Tobin – I appreciate that very much thank you.

MOTION:

A motion was made by Secretary McClanahan to move this to 9E, supported by Vice Chair Kupiec. A voice vote was taken and the motion carried unanimously.

At 7:21 pm back on record with item 6A.

PETITIONERS PORTION:

Mr. Robert Tobin – Good evening ladies and gentlemen of the Planning Commission my name is Robert Tobin 2201 Twelve Mile Road, Warren, Michigan. These gentlemen with me are the owners of the property, they are the Charara brothers.

We are here tonight to represent the owners the Charara Group to build a fast food restaurant at the corner of Van Dyke and Rivard. The two parcels on Van Dyke zoned C2 have been vacant for 13 years since the city tore down the existing bookstore at this site. The owner has been working with the community developers since

2011 to purchase this property which has been off the tax rolls and finally in a TIFA Meeting they sold it to the present owner in 2016.

The owner has consistently been developing facilities in the southern part of Van Dyke for many years. Two car washes, an oil change, a tire store, and an auto repair facility. They purchased the two parcels on Van Dyke zoned C2 but needed a third parcel on Rivard to provide an onsite turn around in the grass area to provide proper ordering and pick up of the food. It's critical that this parcel on Rivard zoned R1P be rezoned to C2 to complete the developing of the facility which will support the proposed 1500 square foot DQ Restaurant and required 16 car spaces for customers and employees. The site will contain grass areas along Van Dyke, a plant bed at the entrance for annual flowers and trees, and trees along Van Dyke and Rivard Avenue.

The owner has done his due diligence and the viability of a fast food restaurant in this area has been confirmed and is consistent with the Warren Master Plan for the City of Warren. The location of parcels one and two on Van Dyke and parcel three on Rivard are separated by a 16 foot public alley, which is in yellow if you can see that.

The owner owns property on either side of this public alley and needs to incorporate it into the entire complex of the restaurant site to provide the circulation of the customer vehicles. This 16 x 100.81 foot alley does not service any other facility and terminates at the east west 16 foot grass covered public alley. It does not hinder or does it eliminate access to the existing sports bar located at 21840 Van Dyke. So we are here tonight to request that the Planning Commission approves the C2 rezoning of the vacant parcel 3 on Rivard. And to approve the vacation of a 16 x 100 foot portion of the existing public alley. By approving these two request it will enable us to bring the existing vacant parcel back on the tax roll and provide the necessary elements to complete our project. Thank you very much ladies and gentlemen.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

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

1. The proposed redevelopment shall not restrict access to the public alley.
2. The proposed building addition is near an existing sanitary sewer. There shall be no permanent structure within the influence of existing utilities.

Mary Clark CER-6819  
February 6<sup>th</sup>, 2017

3. The maneuvering lane around the proposed building does not appear to be wide enough to accommodate traffic attempting to bypass drive-thru vehicles.
4. The site shall comply with the cities storm water ordinance. Detention and/or pretreatment may be required.
5. The written legal descriptions of the parcels are incorrect. The original plat was recorded on page 235. The descriptions shall be revised accordingly.

**FIRE:** Approved.

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

1. A drive thru restaurant would be an allowable use in a C2.

Mr. Ron Wuerth reads the recommendation of the Staff:

Just one quick comment, this is a concept plan not a site plan that we are here reviewing. It is concept in relationship to the rezoning request.

Chair Howard – Thank you Mr. Wuerth and thank you again for that clarification on what we will be voting on this evening.

PUBLIC HEARING:

Mr. Gary and Mrs. Marjorie Warhurst – Good evening, my name is Gary Warhurst and this is my wife. We purchased our home at 8026 Jackson in April of 1999. In 2000 there was a bar the Pony Keg Pub and there was also a bookstore that was adjacent to our home, parking was atrocious. We went to the City Building Department and asked if we would be able to install a gate in our backyard so we would have off street parking, since we don't have a driveway. We were told that this was a great idea and that it would not be an issue because it was a public alleyway behind our house and that it would never be changed.

There is already a major parking issue on Jackson east of Van Dyke. There is only five driveways total on our entire block. The first four homes on our block have no driveways whatsoever and between the double unit rental across the street and the next three homes including mine there's a total of nine vehicles. Not to mention the bar that's 50 feet from my home only has 10 parking spaces for their patrons. So their overflow is always parked in the street in front of the resident's homes which forces us to park way down the block. Now they are opening an appliance store on the other side of Jackson between Jackson and Fischer and there's not adequate parking for that business either, so they will also be parking on the side streets.

Since I've lived here we've had two vehicles stolen and three vehicles involved in hit and runs while parked in the street. Lately we've had rash of vehicle thefts and break ins on our block. I don't feel that it's fair that 17 years later that they want to rezone the property directly behind my home and expect to take over the alley thus making it impossible for me to use my gated and secured off street parking I've had since 2000, not to mention the only access that I have to my backyard.

My wife and I moved to a residential area it's bad enough that the bar is still there and it's been nothing but problems over the past few years. These gentlemen have been purchasing many properties in the south end of town and one of their family members own this bar. First they had a sports bar there that had numerous fights and the police were constantly there.

Ms. Marjorie Warhurst – We had to go to court because we had personal damage to our property because of this bar.

Mr. Gary Warhurst – And then when the bar was finally shut down then the owner of the bar leased it out to a motorcycle gang, which also got pushed out of the place, you can check with the police on that. Am I supposed to have a business that wraps around my home right up to my back and side yard? Unfortunately my assessed value has taken many hits over the past 17 years this will destroy it. It's a dirt alley that's next to my home and I really don't understand how this 16 foot area is that important to this business that it's going to make or break it.

I've been a tax paying home owner for 18 years and I don't feel that I should have to endure a major inconvenience like this. I'm not trying to be unreasonable but if you could put yourself in my shoes. In 2002 the DDA came over to our house and said that there was inadequate parking for the buildings that were there already. I don't know what ever happened with that it just disappeared. I don't know exactly how this man is related to these people but his name is Jahod. He came over and asked us if we wanted to sell our home when I told him how much I owed he told me that was far too much and that he wouldn't do it. So now they are asking for this rezoning and it's just going to crush us. We do everything we can to keep our houses nice as possible. I've done all sorts of renovations to it and I really don't want a Dairy Queen next to my house with cars rolling back and forth. Maybe the DDA could buy me out, maybe these gentlemen can buy me out.

Ms. Marjorie Warhurst – Or figure out some way so we can still get a gate on the side of the alley so we still have parking because we don't have any parking the way it is. There's been times we've been stuck parking six or seven houses down from our house and you can't protect your property when it's that far down the road. I don't want to be unreasonable but if they can figure out a way to move the guard rail that's on the one side of the alley so we can switch the gate over so we can still have access to our backyard. That's how I get my lawnmower and my snow blower everything in and out of my yard that's my access to my backyard.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – Mr. Tobin the residents are concerned about losing the east west alley behind their property to my understanding I didn't think that was part of what we were talking about as far as the zoning. So that alley is still going to be there as a grass alley, is that correct?

Mr. Robert Tobin – The gentleman that was up here we believe is in this house here that's serviced by Jackson not by the alley because he doesn't have a garage back here coming to the alley. We will have a wall so he won't even see what's happening here. He's serviced by Jackson, we'd be happy to help him if we knew exactly what he wanted but at this particular time I don't know how we can help him.

Assistant Secretary Smith – Well that was my clarification, I think that they were thinking that they were going to lose that grass alley and I could see how it would affect their property. But the rezoning part that we are talking about tonight is all below that area.

Mr. Robert Tobin – It's very strange that east west alley here behind our property is grass covered and it's never been used as far as we know it's solid grass nobody uses it at all. It's potentially a 16 foot public alley covered with grass.

Chair Howard – So to the neighbors' concerns as Assistant Secretary Smith had alluded to, their property is on Jackson Street you does your rezoning interfere with their back yard and being able to exit?

Mr. Robert Tobin – When we get our walls up they won't even see the property, they'll see the building but they won't see the property itself. And of course we have the alley there as a buffer to.

Mr. Gary Warhust – Will I be able to get a car in and out of my backyard?

Chair Howard – What I'm going to suggest is that the neighbor and our petitioner have that conversation based on the drawing so that they can see what this development is going to do. It's not going to impede them getting in and out, and that they would have access to their property.

Commissioner Rob – Mr. Tobin did you talk to the residents about this was there any communication?

Mr. Robert Tobin – I think the neighbor has made some comments about the sports bar that seemed to be bothering him more than anything else. The sport bar is now up for sale so when that gets sold maybe someone will tear it down.

Commissioner Rob – I did not get my answer.

Chair Howard – Mr. Tobin the request from Commissioner Rob, is how much notification was given to the neighbors regarding this particular issue?

Mr. Robert Tobin – We did not go to any of the neighbors, our first step was to see if you folks were interested in helping us rezone it. We did not go to the neighbors, the only neighbor we talked to was this neighbor here who as long as there was a wall being provided the neighbor had no comment, he's the one that's really impacted not this gentleman.

Mr. Charara – No Bob there was a misunderstanding on which alleys were going to be closed, they thought both alleys were going to be closed.

Mr. Robert Tobin – No, no, just this alley from here the yellow that you see here. We own property on either side of the alley that's why it should be an easy thing to close it because the documents that I prepared has all the owners and both pieces of property are the same owner so it becomes a easy thing to close an alley if you folks agree with us.

Mr. Ron Wuerth – In regards to the notice to the neighbors, the notice is the cities responsibility so everyone received 10 days in advanced notice as far as what was going on. In some cases the petitioner will go around and talk to the abutting property owners and discuss it with them, and I think that was your question was it not?

Commissioner Rob – Yes that was my question.

Mr. Ron Wuerth – He didn't go discuss it with the neighbors.

Secretary McClanahan – Just to clarify this alley is not going to affect the houses off of Jackson being able to fit cars back there in the alley, and their lawnmowers, and snow blowers correct?

Mr. Ron Wuerth – There's a north south alley that's the main one that everyone uses going through and then there's the east west alley along the rear of their property. I'll start with the east west one that's the easiest one to discuss. It will remain the same, it's grass covered I believe.

Secretary McClanahan – And that is the main alley that the people on Jackson are using to access the backyards?

Mr. Ron Wuerth – Yes, and then you have the north south part of the alley it is proposed that a part of it be closed and it will not affect vehicles coming in, it creates if you want to call it a dogleg a turn. One could still drive up and down that unimproved alley or the other alley behind the sports bar that will remain open. What will be along the edges of that alley, the petitioners property, they propose a wall. It might create a good barrier and help their situation far better than it's been in the past.

Secretary McClanahan – Thanks for the clarification.

Commissioner Rob – First I want to thank Mr. Wuerth for the clarification. Of course the city notified the neighbors but I think it's better for your development that you take the initiative and talk to the citizens. It's always better to take the initiative that's what I was referring to Mr. Tobin.

Mr. Charara – We will do that.

Chair Howard - Let's just be clear on what we are going to be voting on today and thank you to all parties for the clarification. I believe you own the Pennzoil Oil I've been there several times you do a great job and it's always clean. So I'm hoping you'll do the same

thing with this business and keep it up to standard and also be a great neighbor to those that are around. This is a concept plan we are voting for the rezoning from a R1P to a C2. We have a motion by Assistant Secretary Smith, supported by Secretary McClanahan this is the rezoning request not the site plan.

ROLL CALL:

The motion carried as follows:

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

- B. AMENDMENT TO APPENDIX A, ARTICLE XIV, C-2 GENERAL BUSINESS DISTRICT: Proposed ordinance amending Section 14.02 of Appendix A, Article XIV, C-2 General Business District of the Warren Code of Ordinances relating to Special Land Uses. The Attorney needs more time to review and modify the ordinance. **Request to table to February 27<sup>th</sup>, 2017.**

MOTION:

A motion was made by Commissioner Rob to table until 2-27-17, supported by Vice Chair Kupiec.

ROLL CALL:

The motion carried as follows:

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

- C. ALLEY VACATION: 16 ft. wide north/south public alley located between Jackson and Rivard Avenue; approximately 100 ft. east of Van Dyke Avenue; abutting lots 8,9,10 and 92; A.J. Christie's Subdivision; 8021 Rivard; Section 35; Fawzi Charara (Robert Tobin).

Chair Howard – For the record item A and item C are the same petitioner and they are going to go down to 9.

At 7:45 p.m., back on record with Item 6C.

**PETITIONERS PORTION:**

Mr. Robert Tobin – The location of parcel 1 and 2 on Van Dyke and parcel 3 on Rivard are separated by a 16 foot public alley. The owner owns property on either side of this public alley and needs to incorporate it in the entire complex to the restaurant site to provide circulation of the customer's vehicles. This 16 foot x 100 foot alley does not service any facility and terminates at the east west 16 foot grass covered public alley and not does hinder it nor does it eliminate access to the existing sports bar located on Van Dyke adjacent to Jackson Street. We are here tonight to request that the Planning Commission approve the rezoning and approve the vacation of the 16 foot x 100.81 portion of the existing public alley. By approving these two request it will enable us to bring the existing vacant parcels back on the tax roll and provide the necessary elements to complete our project. Thank you.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

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

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

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

1. Existing overhead electrical utilities and a sanitary sewer main are present in the subject alley. A full-width utility easement shall be retained over the subject alley for the existing public utilities.
2. No permanent structures or any easement encroachment shall be permitted within the vacated alley.
3. The approach to the alley on Rivard Avenue shall be removed and concrete curb and gutter and sod shall be installed.

**FIRE:** Approved.

Mr. Ron Wuerth reads the recommendation of the Staff:

Add number 5 – That has to do with the request by the Engineering Division to remove the approach on the alley to Rivard. I'm not in the habit of talking site plan when this is a concept plan but the concept plan clearly indicates that they would use that driveway as an exit only. It's wide enough as a one way drive. So we'll go into

condition number 5 and that is to not make a decision on that driveway at this time in regards to the alley vacation but rather hold that decision if the rezoning is successful we will work on that during site plan approval.

MOTION:

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

ROLL CALL:

The motion carried as follows:

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

7. CORRESPONDENCE

- A. The Planning Department and Planning Commission has meeting with representatives of the administration regarding the 2018 Budget Hearing on February 23<sup>rd</sup>, 2017 in the Mayor’s Conference Room.

Mr. Ron Wuerth – Good evening, this is our scheduled meeting with the Mayor and the Administration to discuss our budget. What we’ll need from the Planning Commission is one member who would be so kind to attend that with me as Vice Chair Kupiec did last year. So some time decide that before February 23<sup>rd</sup> and let me know who is going to attend this meeting with me.

Chair Howard – What we’ll do is correspond with the Officers between Vice Chair Kupiec, myself, Secretary McClanahan, and also Assistant Smith to see who would be available at that time. And the time is?

Mr. Ron Wuerth – It’s 12:45 on Thursday, February 23<sup>rd</sup>, 2017.

Chair Howard – We will make sure one of the Officers will be there.

MOTION:

A motion was made by Assistant Secretary Smith to receive and file, supported by Vice Chair Kupiec.

ROLL CALL:

The motion carried as follows:

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

- B. Letter to the City County and the Planning Commission from Ron Wuerth, Planning Director regarding the Master Plan.

Mr. Ron Wuerth – I'm not going to read the entire letter I'll just summarize it. This is a letter to both the Commission and City Council, Secretary Robert Boccomino and it basically tells them and you that Craig Treppa the Purchasing Agent has taken a look at the RFP that our committee, our small little group put together for review. He is ready to meet with Michelle and myself to fine tune it that's coming up here this week. Also he speaks of a list of people that you can see in here who would be part of the actual RFP Committee and I had suggested a few other people that should be on that committee. Then there was an issue of funding and it was found that in the past City Council had determined that they would fund a consultant after we have chosen one through the means of an RFP. So the funding had been good up through 2014 and then left off their budget. Basically what I found was that it was a matter of when we were ready then they'd fund it.

I did have a discussion with the Council President last week regarding the funding. I told him exactly what I felt was the amount that would be needed. By the way this is for the Master Plan and it's also for the Zoning Ordinance, our implementation tool, that's going to help make sure that the Master Plan works. I've seen too many in the past sit on the shelf from my experience of seeing others in other municipalities where they do Master Plans and somehow they just don't get around to implementing them. Well the Zoning Ordinance does exactly that that's the biggest tool that we'll have.

Both our Master Plan and our Zoning Ordinance are old. Our Zoning ordinance gets amended as you can see probably four or five times a year through amendments, item 6B is another amendment to the Zoning Ordinance. Bottom line is the funding is being looked into,

there will be a committee of the whole meeting, I believe next week. I'll check with City Council and find out whether we're going to be speaking to them directly or whether they are just going go ahead and handle it. They want to get it in their budget right away that's where we are at. So that means we can move ahead with the RFP right away. I wanted to at least explain this letter a little more in detail with an update.

MOTION:

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

ROLL CALL:

The motion carried as follows:

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

- C. Letter from the City of Sterling Heights regarding a public meeting on their proposed Master Plan on February 9, 2017 at the City Offices located at 4055 Utica Road, Sterling Heights, MI 48311-8009.

Mr. Ron Wuerth – Well it's kind of interesting we're getting ready with our RFP and Sterling Heights, has gone ahead and put a Master Plan together. It's a draft and we received a disk on it so we have a copy of their Master Plan and I've been going over it. With the letter you all have a copy of this letter stating on February 9<sup>th</sup> they are going to be presenting it before their Planning Commission. I'm not sure where they're exactly going to go with it.

Like I said I've been reading it and my concern is more how it's going to affect our town and that's what they've done. You are required by Michigan State Law to notify those communities that are on your borders. And it's those communities that have the opportunity to review the documents and if they have any concerns you can show up at the meeting and discuss it with the Board. I'm not sure I'll be there because so far I haven't seen anything that's too unusual. They used to consult with Waid Trim they are very well known in the business of Planning. We do have the digital copy we have maps that were made, it's interesting, and so if any of you have

time to come in and take a look at the maps please come in and see what their future plans are for the City of Sterling Heights.

Chair Howard – I was very intrigued when I saw that correspondence it’s like piggy backing on what we’re about to do and how that’s going to affect us.

Mr. Ron Wuerth – Well timing is good actually and they talk about Placemaking, strategic planning, and all the new stuff that’s being worked on and thought of these days in Planning.

MOTION:

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

ROLL CALL:

The motion carried as follows:

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

Mr. Ron Wuerth – I just spoke to Mr. Tobin and the petitioners are here and with him if you like they could come forward.

Chair Howard – Yes sir, we are going to do the bond release and then we will put them next.

8. BOND RELEASE

A. SITE PLAN FOR NEW GASOLINE STATION: Southeast corner of 10 Mile and Mound Roads, 5950 Ten Mile Road; Section 28; City of Warren. Release of Surety Bond for \$7500.00 paid on July 2<sup>nd</sup>, 1996.

MOTION:

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

ROLL CALL:

The motion carried as follows:

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

Chair Howard – We had initially moved item number 6A and 6C to item 9A where now I would need a motion to remove it back up to item number 6A and 6C.

MOTION:

A motion was made by Secretary McClanahan to move 6A and 6C, supported by Commissioner Karpinski. A voice vote was taken and the motion carried unanimously.

9. OLD BUSINESS

- A. MINOR AMENDMENT TO APPROVED SITE PLAN FOR A NEW COMMERCIAL BUILDING: Located on the west side of Mound Road, approximately 120 ft. north of Streefkerk Drive; 32683 Mound Road; Section 5; Hana Yousif (Imad Potres). The minor amendment is for outdoor playground addition for a daycare center. **Request to table to February 27<sup>th</sup>, 2017.**

MOTION:

A motion was made by Secretary McClanahan to table until 2-27-17, supported by Assistant Secretary Smith.

ROLL CALL:

The motion carried as follows:

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

- B. REVISED SITE PLAN FOR FUEL STATION AND PARKING LOT EXPANSION FOR TRUCKING COMPANY: Located on the west side of Mound Road; approximately 750 ft. north of Eleven Mile Road; 27275 Mound; Section 17; James Burg (F. Matthew Ray).

PETITIONERS PORTION:

Ms. Caren Burdi – Good evening, Caren Burdi on behalf of Burg Trucking. My address is 31851 Mound Road, Warren Michigan. This plan has been before you in the past and it in fact got approval through the Planning Commission. My client was representing himself, he then went to the Zoning Board of Appeals and it turned out that he did not have all of his parking for all of his trucks on the plan and the Zoning Board asked my client to take a good luck at his plan and make sure he had everything in order and to start the process over, so that's what we are doing here today. This is a site plan to expand the parking lot, right now this area right here is grass and this part of the grass area will be paved and will be for truck and trailer parking.

The business functions in essence by hauling short loads, you can have someone haul a load for a day or hauling for weeks. What happens is the driver of the truck comes into work and fills the spot that he takes the truck from with his personal car. Some of them of them are dropped off and cars aren't left there but if they are the car is put into a spot. He has approximate 75 trucks and trailers, but I will say this that if there is any time where there's even close to 75 trucks or trailers on that lot then his business is failing, he only makes money when those trucks are out on the road, so it is not uncommon for 80% and 90% of the trucks to be gone. He actually hauls 40% of all the steel to the auto plants here in Warren for manufacturing.

He's also devised a system where his trucks can either be flatbed trucks with no covering or he's got the sliding system an accordion system that then covers the trucks. So this business here has been here for approximately 11 years it functions in a very organized efficient manner. So the first thing we are asking to do is to expand the parking lot.

The second thing we are asking to do because his business has been doing so well is there was a 12,000 gallon fuel tank and the way that it would work is, this business is located on the Mound Service Drive, and the reason I say the Mound Service Drive is we all know Mound goes up to the right and if you go straight to the left you're going under 696 so we are up on the Mound Service Drive and it's one way there. So the trucks come in towards the business

here they come they load fuel, they put the trucks away ready to go, the truck would then go park in its spot and it would be ready for the next day's trip. What was happening to us as our business expanded is we were having more and more trucks lining up on the service drive and blocking traffic, obviously we can't have that. The other thing is with a 12,000 gallon fuel tank you really only fill it with 10,000 gallons for safety purposes you don't fill to the max on the tanks. So 10,000 gallons of fuel when this business is doing so well was going very quickly and was almost impossible to keep the replenishment. So what he's proposing is to move his 12,000 gallon fuel tank over to this location and to put in a 20,000 gallon fuel tank. Two trucks can fuel at a time now and they can actually fuel on both sides. What used to take ten minutes to fuel a truck will now take four minutes. The above ground storage tanks for fuel are monitored and regulated by Lara with the State. They inspect the tanks on a regular bases they have to comply with their testing and the tanks are double walled. So if there's a compromise of the first wall to the second wall there's an alarm system that goes off. We've had no problems because of our proper maintenance and our testing everything is up to date.

So those are the two matters that are changing with regard to the plan. We now feel that we will be sure to keep the trucks off the service drive, we can fuel trucks faster and keep them moving, we have enough fuel now for our increased fleet, and we believe that the added parking where we are proposing to properly pave it and do the proper drainage is the proper way to handle the increase in our fleet.

Chair Howard – That was very thorough, thank you so much and thank you for the clarification and letting us know about the stacking there on Mound which of course as you indicated we shouldn't be having. So thank you, so that means your business is growing so that's great.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

**DTE:** Approved.

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

1. Any proposed improvements with the Mound Road right-of-way will require approval from the Macomb County Department of Roads.

2. Any proposed improvements within the Bear Creek drain easement or change in rate of discharge will require approval from the Macomb County Office of Public Works.
3. Pretreatment of storm water runoff may be required for this site.
4. Detention may be required for this site.
5. Based upon the proposed elevations provided for the parking lot expansion, it appears alterations to the berm may be required.

**FIRE:** Preliminary review of the 2012 Edition of the Michigan Building Code.

1. Meet all the requirements of the 2012 Edition of the Michigan Building Code.
2. Maintain existing fire apparatus access roads. Fire apparatus access roads must extend to within 150 feet of all portions of the exterior walls, as measured around the exterior of the facility. Fire apparatus access roads must have a minimum width of 20 feet.
3. Provide Fire Department lock box (Knox box) as required by city ordinance.

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

1. Ordinance and requirements.
  - Section 17.02, item (b): side & rear yards twenty (20) feet each in M-2.
  - Section 17.02, item (p): above ground storage tanks not allowed in M-2.
  - In M-3 and M-4 zones require all tanks shall be located not less than one hundred fifty (150) feet from property lines.
  - Section 17.02, item (s) paragraph (2): industrial standards, open storage other than junk the designated area shall be hard surfaced and screened from the public street and any residential zoned areas. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure.
2. Variances requested:
  - To allow an above ground fuel tank installed to no less than 20' of the side (south) property line, as per plan and to relocate the existing fuel tank to no less than 35' of the side (south) property line as per the plan.

Mr. Ron Wuerth reads the recommendations of the Staff:

I just want to quickly call attention to the variances because you'll see where it says zoning under variance requested. I did have a conversation with the Zoning Bureau they agree with the variances that we have listed.

Chair Howard – This is a two part approval I would need a motion to recognize this as a minor amendment.

Mary Clark CER-6819  
February 6<sup>th</sup>, 2017

Ms. Caren Burdi – I don't think this is a minor amendment.

Chair Howard – No I don't think it is either, I think this is a complete approval all over again am I correct Mr. Wuerth?

Mr. Ron Wuerth – Madame Chair this is not a minor amendment. This is a continuation of the site plan, it went to the Zoning Board they had a concern, they sent it back to the Planning Commission for a revision. So it's still active sort of speak. Minor amendments those have been approved and then they come back and make a change. This is a revision to what I call an active site plan.

Chair Howard – Alright, I'll take a motion for a revision to an active site plan.

MOTION:

A motion was made by Secretary McClanahan for a revision to an active site plan, supported by Commissioner Robinson.

COMMISSIONERS PORTION:

Secretary McClanahan – When I was at the site the other day I did see a nice 8 point buck and a doe there so that was kind of neat.

Assistant Secretary Smith – I noticed on the drawing on the additional parking for the trucking you're adding 26 truck and trailer parking spaces and I looked on the drawing at the top and it showed 13 on the north side and 13 on the south side. But on the backend, it's showing 5 more spaces over there that aren't included in there. So it would make an additional 31 spaces according to my calculations.

Ms. Caren Burdi – When I added them up earlier tonight it did add up to 82 when I did the whole plan.

Assistant Secretary Smith – Okay because that's what my other question was, it said on the north parking there was I think it said 19 spaces and I only saw 13 so I didn't see where the other 6 were.

Ms. Caren Burdi – These are passenger vehicles so I'm not counting those. If I'm counting just truck parking, there's 82 parking spaces, I did check it.

Assistant Secretary Smith – Well in item number E on our notes it was stating that the parking spaces for 125 vehicles would be provided on the site. The site plan indicates that there will be 43

spaces for passenger vehicles located in areas. Ten spaces would be provided in the front of the building, 14 spaces along the south side of the building and 19 spaces along the north property line and that's where I counted the 13.

Ms. Caren Burdi – I don't know what you're reading from, I'm sorry.  
Assistant Secretary Smith – It's in my findings.

Mr. Ron Wuerth – What Assistant Secretary Smith is reading from is something you don't have, it's our findings. You receive the recommendation that's all you receive we never provide findings to the petitioner.

Assistant Secretary Smith – I was just questioning the number of spaces that's all.

Ms. Caren Burdi – I'm positive that for truck spaces we have 82 because I have verified that tonight and our fleet is less than that.

Assistant Secretary Smith – Alright very good, thank you.

Vice Chair Kupiec – I see you're moving your entrance to the property to the south side of the building now? Instead of coming in on the north side you're going to start coming in on the south side?

Ms. Caren Burdi – The north driveway is both ingress and egress both. The south driveway is ingress only. And it can only be either a total ingress or a total egress because of parking that we have here along the side of the building.

Vice Chair Kupiec – You're moving that 12,000 gallon tank to the opposite side of the building?

Ms. Caren Burdi – From this location right here we are moving it to this location right here.

Vice Chair Kupiec – And you're leaving the garbage dumpster where it's at?

Mr. Matthew Ray – Yes.

Vice Chair Kupiec – So your plans are to fuel the trucks on the way in or on the way out?

Ms. Caren Burdi – The way in.

Vice Chair Kupiec – So they will be coming in on the south side of the building, going to the fuel station fueling, and then going and parking them?

Ms. Caren Burdi – Yes.

Vice Chair Kupiec – And when they exit they will be leaving on the north side?

Ms. Caren Burdi – Correct, yes.

Vice Chair Kupiec – That should relieve a lot of congestion in that area, like you said that is a heavily congested area during busy hours when the trucks are coming in. Thank you very much.

Chair Howard – And that is a 20 gallon tank?

Mr. Matthew Rey – 20,000 gallon.

Ms. Caren Burdi – The new tank is 20,000 gallons, the tank that we are relocating from here to here is 12,000 gallons.

Chair Howard – So are you having one tank or two tanks?

Ms. Caren Burdi – Two tanks.

Chair Howard – Two tanks 12,000 and 20,000 and four minutes to fill up?

Ms. Caren Burdi – Yes, four minutes to fill a truck when it used to take 10.

Chair Howard – Perfect. Any additional discussions? Alright with that being said we had a motion by Secretary McClanahan, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

Secretary McClanahan.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes
Chair Howard.....	Yes
Commissioner Houghten.....	Yes
Commissioner Karpinski.....	Yes

Vice Chair Kupiec..... Yes

- C. MINOR AMENDMENT TO SPECIAL LAND USE PERMIT AND SITE PLAN APPROVAL FOR TWO NEW HOTELS: Located on the northwest corner of Van Dyke and Murthum Avenues; 32035 Van Dyke; Section 4; Sahiz Malki. The minor amendment is for the addition of a sport court.

PETITIONERS PORTION:

Mr. Jim Terbrueggen – I'm with Bud Design and Engineering 10775 Saginaw Road, Grand Blanc, I'm here on behalf of the hotel. Per the standards, we had to add a small sport court outside in the courtyard area and we had a couple minor revisions to the building in the stairwells for the brand standards also.

Chair Howard – And that was going to be on both hotels?

Mr. Jim Terbrueggen – No just for the one hotel.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

**ZONING:** Approved.

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

1. It appears the amendment includes revisions to the west/northwest of Homewood Suites. This involves the addition of a sport court, change in location of the lounge area near the pool and modifications to the dumpster enclosure area. These proposed revisions impact the engineering plans which should be updated to reflect these changes should the Planning Commission approve the plan.
2. The proposed changes noted above also impact the design of the utilities. There shall be no utilities or public easement located within the influence of a permanent structure.
3. All storm water drainage shall be maintained on the site. Detention and pretreatment may be required.
4. A plan with a written legal description has not been provided to the Engineering Division for review.
5. The plans shall bear an original signature and seal from the licensed professional responsible for the work.

**FIRE:** Approved.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

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

ROLL CALL:

The motion carried as follows:

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

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – Are you the Architect or the owner?

Mr. Jim Terbruggen – I am the Engineer on it, but we do the architecture for it also.

Assistant Secretary Smith – I have a question about the outdoor dining area that was moved I see it's behind the pool area over?

Mr. Jim Terbruggen – Yes.

Assistant Secretary Smith – Is there going to be food in the area? It's a dining area but I don't understand where the food would be coming from.

Mr. Jim Terbruggen – That would be your continental food, usually muffins and things like that back there.

Assistant Secretary Smith – The sports building that they added is it a basketball court?

Mr. Jim Terbruggen – Yes, it's kind of an all type sport court, they can play basketball and they can do other sports on there. That's getting to be the new thing for the hotels now so they can get a little exercise in.

**MOTION:**

The motion carried as follows:

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

- D. **MINOR AMENDMENT TO APPROVED SITE PLAN FOR NEW BUILDING ADDITION AND REMODEL:** Located on the west side of Hoover Avenue and approximately 670 feet south of Hupp Avenue 22001 Hoover; Section 34; Jack Campo (Max Dunigan). The minor amendment is for changes in size of the building to Metro Sanitation.

**PETITIONERS PORTION:**

Mr. Max Dunigan – Good evening Madame Chair and Board. I'm Max Dunigan I'm here representing the general contractor Sachse Construction for this project. I'm also here with Jack Campo the owner of Metro Sanitation on 22001 Hoover Road. Metro Sanitation is a mixed-use facility for storage and transport of construction materials. Metro Sanitation had the misfortune of a fire that burnt down their facilities so in an effort to rebuild a site plan of a new building was approved in 2015. We are requesting an approval of a minor change to the approved site plan. As a value engineering exercise to reduce cost of the new construction we are proposing to reduce the approved building length by 70 feet.

Secretary McClanahan reads the following correspondence:

**TAXES:** No Delinquent Taxes.

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

1. The property boundary shall be accurately depicted on a corresponding written legal description shall be provided on the site plan.
2. The existing transfer building and existing screening wall encroach upon the Marmon Avenue public right-of-way.
3. This development must comply with the City of Warren Storm Water Management Plan.

Mr. Ron Wuerth reads the recommendations of the Staff:

MOTION:

A motion was made by Commissioner Rob to recognize as a minor amendment, supported by Vice Chair Kupiec.

ROLL CALL:

The motion carried as follows:

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

MOTION:

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

Chair Howard – We are just reducing the size by 70 feet.

ROLL CALL:

The motion carried as follows:

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

10. NEW BUSINESS  
None at this time.

11. CITIZEN PARTICIPATION  
None at this time.

12. PLANNING DIRECTOR'S REPORT  
Mr. Ron Wuerth – I'll just go down the usual here from the last Planning Commission Meeting until now.

So I did attend one Staff Meeting, at that Staff Meeting they did announce a new person hired as the Diversity Coordinator that

person's name is Greg Murray. Then I did make those contacts that I talked about earlier with City Council to find out about funding for the Master Plan. I'm just going on what's most interesting here because I visit with a lot of people and have a lot of meetings.

The one that sparks the most attention is the possibility that we'll have a museum in town. This museum currently resides in Roseville it's called The Detroit Arsenal of Democracy Museum. The city is working with them to see if we can have it located in our Veterans Park, which is off of Campbell and Martin. So we'll see how that works out there's no definite agreement at this time, I don't want to get too excited but it's looking positive.

Finally there's the area in our town along Van Dyke from Van Dyke to Eight Mile, from Sherwood over to Hoover. That particular area is being centered for some changes. The city is looking to establish something called a Neighborhood Enterprise Zone that's a law that was enacted I think in 1992. You can do different things in there to try and improve housing. We have over 60 vacant lots that we look to develop and so with the Neighborhood Enterprise Zone the Planning Department has been asked to look into the possibility of what an overlaid district would do to help improve and make it, maybe simplify things a little bit regarding construction of those homes. And possible other types of uses in that whole particular area. It's my understanding, and I remember seeing a few of these, they used to be corner shops and grocery stores where people could just slip down and get something that they needed, they didn't need to go to a regular grocery store that we all know these days, it used to be the "corner store". A lot of them have gone away there aren't very many left and we are thinking about making it easier to have some startup businesses of that sort in town. So that's an example of what the overlaid district could do and what the Neighborhood Enterprise Zone could do. So we'll see how all this turns out in the end I'll keep you notified. I also attended one Block Grant Meeting.

Secretary McClanahan – Mr. Wuerth, on those Enterprise Zones are there any tax benefits to the area. I know that some of those Enterprise Zones are giving tax abatements to the area, is that included at all?

Mr. Ron Wuerth – All of that is included. It's very involved, but the Community Development Coordinator Tom Bommarito is the person who is heading that up and we are working very closely with him. We think it's going to be a major infusion sort of speak in that area. But I think the overlay zone is going to help considerably to relax regulations and be able to allow people to get in there. One quick

thing, when the rezoning was up and the residents were talking about how there's no parking on the streets, well yes, those lots are all 30, 35 foot lots it's very difficult to get a car next to the house or in the back where your garage might be constructed. Unless your garage fronts on one of those alleys and you'll see a lot of that down through there where people would get to their garage off the alleys. We may be able to have new designs for homes regarding how to get a garage there and bedrooms over the top of the garage and that type of thing. I'm not architect but we all have ideas about how that can work.

Commissioner Rob – Could you please identify the area again the Enterprise Zone Eight Mile to how much north?

Mr. Ron Wuerth – Stephens.

Commissioner Rob – And east to Hoover?

Mr. Ron Wuerth – Go to Hoover and then go back the other direction to Sherwood that's pretty well the boundaries of this area.

Commissioner Robinson – I've been a resident of Warren for about 11 years I've never known the city to have a Diversity Appointment. Is this the very first one and specifically what will Greg Murray's duties consist of, do you know?

Mr. Ron Wuerth – No I don't.

Commissioner Robinson – Have they ever had a Diversity Appointment here?

Mr. Ron Wuerth – No they haven't but the Mayor was advised through Human Resources and others that this is a position we should have, it's the first one.

Vice Chair Kupiec – I know we received and filed it but I have a question regarding your letter on the Master Plan. In your discussion with Mr. Treppa on the Master Plan and RFP is there any particular reason it's taking so long?

Mr. Ron Wuerth – He's the purchasing agent he's the only one we have so he gets all the request from all the other departments plus other RFP's that are being worked on so he's a very busy man. Not that it matters but when we provided the RFP to him it was just before the holidays so that does have a little bearing on that people take time off during that time period.

Vice Chair Kupiec – Our committee met back in June wasn't it, the RFP committee?

Mr. Ron Wuerth – No we didn't give the RFP from our committee to him until the first week in November.

Vice Chair Kupiec – I know that Mr. Smith did a very concise recommendation for the RFP, as a matter of fact I was on his team but I didn't do anything, he did it all by himself and it was a very good job. I thought that was pretty much cut in stone where that was going to be the RFP request, did you have to make some adjustments to it?

Mr. Ron Wuerth – No we had to write it in proper format. We received information from Mr. Treppa on how to do that plus we took ideas from everyone on the committee to put that together. So once we got it together we gave it to Mr. Treppa and that was in November.

Vice Chair Kupiec – Now the other question I have in regards to your letter is I'm glad to see that you've suggested a lot of people to get involved in this but when do you anticipate they might get involved? When this RFP is submitted and we finally hire a contractor or prior to?

Mr. Ron Wuerth – They'll get involved before we hire anyone. First of all our staff is going to meet with Mr. Treppa to finalize the RFP. And finalizing it simply means bringing it before this group that I mentioned in that letter and it's a group that he mentioned. I added a few people that I felt were critical to decision making. They are going to receive this proposed draft RFP and they are going to go over it, these people come from all departments and divisions in the city. They may have additional ideas that need to go in that RFP that we have no idea about. So when they are finished with it then and only then will we send it out and get some bids on what the process will be for a Master Plan and for a Zoning Ordinance.

Vice Chair Kupiec – That's what I kind of suspected based on your letter. The problem I have with that is as long as this has been taking to get something really accomplished the more people that get involved now the longer again it can prolong it before something gets accomplished. Like you said they come in with new ideas and revised what Mr. Smith put together. The Committee made comments that Mr. Smith did a great job and it was acceptable by everybody, we thought it was going to be processed from there.

Now you're talking about people coming in and critiquing what he did and bringing their ideas to the table. I think it's just going to prolong this whole matter.

Mr. Ron Wuerth – Mr. Kupiec this is the normal course and procedure that we always go through. And that's what they go through with any RFP that is reviewed in the city, this is normal. We will move right along with it as time goes by.

Vice Chair Kupiec – In the meantime you said you met with Mr. St. Pierre and he's committed to looking into the funding and try to secure it for 2016-2017 budget?

Mr. Ron Wuerth – Yes, 2016-2017 budget yes, the budget we are working off right now.

Vice Chair Kupiec – Without talking about numbers are you asking for a full amount here or an amount to get this thing started?

Mr. Ron Wuerth – No, full amount.

Vice Chair Kupiec – Originally I thought we were going to ask for a portion to get the consultant on board to meet with this group of people like you're talking about and get everybody's ideas on the table and move forward from there?

Mr. Ron Wuerth – We don't believe that's necessary, that would have been a separate consultant to help drive this and we don't think we need that.

Vice Chair Kupiec – As you indicated tonight we have Sterling Heights on the table, we had Roseville on the table, we've had Rochester, and Detroit constantly coming up with things so I think it's time we move forward. I'll look forward to something positive out of this. Thank you very much for your time and your recommendations.

Chair Howard – Just my closing comments. We had an item before us the Auto Palace down there on Eight Mile, I was very skeptical but I ended up purchasing a vehicle from them. They are an amazing establishment with luxury cars so if anybody is in the market for a luxury car they are what a car dealership should be. Very clean, very immaculate they are the best thing ever and I'm very excited with my vehicle.

Mr. Ron Wuerth – Is that on Ryan Road?

Chair Howard – It's on Dequindre.

13. CALENDAR OF PENDING MATTERS

None at this time.

14. ADJOURNMENT

MOTION:

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

The meeting adjourned at 8:40 p.m.

---

Jocelyn Howard, Chair

---

Jason McClanahan, Secretary

Meeting recorded and transcribed by  
Mary Clark - CER-6819

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