CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on November 28th, 2016, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, November 28th, 2016, at 7:00 p.m. in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners present:
Edna Karpinski
John Kupiec, Vice Chair
Jason McClanahan, Secretary
Syed Rob
Claudette Robinson
Warren Smith, Assistant Secretary
Nathan Vinson
Kelly Colegio, Ex-Officio

Also present:
Ron Wuerth – Planning Director
Michelle Katopodes – Planner I
Judy Hanna – Senior Administrative Secretary
Dewan Hassan – Planner Aide
Caitlin Murphy - Assistant City Attorney
Megan O'Brien - Communications Department

1. CALL TO ORDER
Vice Chair Kupiec called the meeting to order at 7:07 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL
Vice Chair Kupiec – Chair Howard called this evening said she's ill and she would like to be excused from this evenings meeting.

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

APPROVED

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 – November 7th, 2016

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. SITE PLAN FOR BUILDING ADDITION TO EXISTING RELIGIOUS FACILITY: Located on the southwest corner of Schoenherr Road and Masonic Blvd: 31731 Schoenherr Road; Section 2; Andre Cast, Life Applications Ministries (Tifany J. Lenman, Neikirk Engineering).

Vice Chair Kupiec – Before we proceed any further as you can see we are two Commissioners short tonight so if there's any petitioner in the audience that would wish to have their item heard by a full Board of Commissioners please step forward and we'll set a date accordingly at another time.

Secretary McClanahan – We have a letter from the petitioner, FYI Elder Kim Martin, Executive Assistant to Bishop Adolphus L. Cast, LAM Christian Church, this is to the Planning Department. It has come to our attention that we were placed on the agenda for the November 28th, hearing. Please note that our request at the November 7th hearing was that we not be put on the agenda for today. It is our request that we be removed from today's agenda. Our office will be in touch with your Department regarding our future intentions. We thank you in advance for your cooperation.

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

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
DTE: Approved.

APPROVED

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

1. The City has adopted a new storm water ordinance since the last site plan approval.

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

1. Must meet the requirements of the 2012 Edition of the Michigan Building code for an A-3 use group.
2. If required by the building code, the building must be equipped throughout with an automatic sprinkler system in accordance with NFPA 13. Fire Department connection threads shall be national standard type and a fire hydrant shall be provided within 150 feet of the Fire Department connection.
3. Maintain existing Fire Department access roads. Fire apparatus access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.
4. Provide fire alarm system if required by code.
5. Provide Fire Department lock box (Knox box) as required by local ordinance.

Mr. Ron Wuerth reads the recommendations of the Staff:

Vice Chair Kupiec – This is a public hearing but before we go into the public hearing I'm going to ask the Commission to consider to invoke our bylaws rule number 7.10 regarding the time duration for a person to speak at the podium which is five minutes.

MOTION:
A motion was made by Assistant Secretary Smith to enforce 5 minute rule for public hearing, supported by Commissioner Robinson. A voice vote was taken and the motion carried as follows:

Secretary McClanahan voted no with the remaining Members voting yes.

Vice Chair Kupiec – Any particular reason for your no vote?

Secretary McClanahan – I believe in free speech.

Vice Chair Kupiec – With that being said we'd ask that each person that comes up if there's more than one that has the same idea hopefully you can join efforts and come up here at one time so we can move along on a timely basis and give everybody a chance to speak their opinion. So with that being said the audience is open for discussion.

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PUBLIC HEARING:

Mr. Andrew Roberts – Good evening Warren Planning Department members. The church on 31731 Schoenherr Road was one of the main reasons that we purchased our home at 31710 Eiffel Drive which is on the back west side. We were a growing family we regularly attended the church services and activities in the 60's and the 70's. We still today have very many fond memories of the church and the community we cherish and hold all these memories. With time places and things change just as our family community and neighborhood have over the many years and we continue to do so we fully understand it and welcome it.

The church also wishes to change and expand to better services it is good that the church wishes to invest in making improvements and investing into its future expanding possible requirements to serve, its community fully. Our wish also as good neighbors and citizens within the community that we not propose to the church as a request towards expanding to meet its requirements, needs and wishes. But over the past 55 years of living in our home we have continuously proven over a long period that we desire to be good neighbors and have been in accepting our neighbor's differences. We indeed accept the differences in the ways of lives and beliefs. We simply hope for the same deserved respect and acceptance of our way of life.

Although we do not wish to stop the church's request to expand and change we have several concerns relating to the new proposed changes. And also relative to what happened since similar approved changes were given from the Warren Planning Commission five years ago. It is currently impossible or readily to agree to the new proposed changes because to be honest they're very unclear as to what is exactly being proposed that they want to change. We base these concerns also on that the church has had that property over the last five years ever since the Warren Planning Commission approval was given to the church to expand its building, add the addition, and enlarge its parking lot. The plan that we were shown promised and openly accepted are not what has been built or achieved over these past five years. What we have lived next to is far short from what originally had been promised. Now we are being told that we must accept new special provisions outside of Warren's Standard Zoning and Community Building Ordinances.

So we are very concerned about how it is going to affect our homes of 55 years. Our concerns are simply that our family will not be able

APPROVED

to enjoy the peaceful homes as we have since making this choice to live and grow right here in this location in Warren, Michigan. Will the Planning Commission review the building plans that will assure the neighbors and the community that it will best be served with the acceptance of these new special zoning, ordinances, and allowances that they are possibly going to approve.

Certainly you can all understand our concerns that these changes will directly affect our abilities to enjoy our backyards in the same manner as we have done for 55 years. We are concerned that the church plans to use this facility as a banquet center. This will likely mean large groups of people congregating out in the parking lot late into the night. Who will oversee these new plans and achieve within a realistic time frame or will we have a continuation of the past five years with little to no accountability. We do not feel that it is unreasonable to request the Planning Commission to take a good look at the current status and direct results from the prior approved expansion and parking lot modifications, which from a visual prospective have not been an improvement but more rather had the opposite effect. Our concerns are the parking lot is right up against our backyard fence, currently it is comprised of busted up cement debris that was dumped and just spread out.

What does the City's current ordinance allow? It was our understanding that it must be at least 15 feet back from the property line. Does the Planning Commission's approval override these requirements, will a wall be built as per current Warren Zoning laws, and how tall is required by the Planning Commission's approved modification with this new proposal. What will the noise regulations be, are the current zoning laws rules enforced or will there be rezoning acceptances also modifying these building codes and rules, and will the parking lot flood lights affect our backyard. With the rezoning provisions what happens if the church decides to sell to a commercial business, can a provision be added that results to current zoning laws if the property goes up for sale. Can these new zoning laws and rules now be somehow allowing the church to become a banquet center for parties? Will there be alcohol served and sold, will the center be charging to host these gatherings. Is that not a business versus being a church and a place of worship?

Ms. Kelly Colegio – Good evening, Kelly Colegio, Councilwoman Ex-Officio for Planning. I'm a little bit confused I heard a letter that was read into the minutes tonight written by the petitioner who had originally stated that he wanted this postponed indefinitely. And my understanding was that in that letter I heard that he still wanted it not

APPROVED

on this agenda. I did step out into the hallway for a moment so maybe I missed something else that was read.

I have concerns. When it was first postponed indefinitely I had thought that it would be great if we could get the community together and have a meeting and try to discuss the concerns that the residents have. After hearing the petitioner request that they not be put on the agenda for tonight I thought that's great we still have time to do that. We did have the holiday and my family had a personal tragedy so I was unable to do that.

My concern is twofold, number one originally I got up and I spoke about the parking lot and my concern now is that the petitioner owns both of the buildings and if there was a way that we could move the parking in between the existing church and away from the residential lots. By going forward with this tonight and not having the opportunity to ask the petitioner if they would like to be heard by a full Board I'm not so sure if that opens the city up any difficulties moving forward as well. Personally, my opinion, I would postpone it indefinitely again as the petitioner had asked and that gives the members some time to speak with the residents and the petitioner. And it also covers the city in that aspect. Those are my comments. But if you do go forward with this, which I'm confused, keep in mind if there was a way that would not be burdensome to the church to move the parking. That's still what I would consider to be of utmost importance moving forward with this. Once again you have a petitioner that requested for an indefinite postponement so I'm confused. I tried calling the Planning Department today but I did not receive the call back so those are my questions.

Vice Chair Kupiec – Before the next person comes up I'd like for the City Attorney's Office to address this.

Ms. Caitlin Murphy – The Commission can still vote to table indefinitely, to table to a date certain, or to hear it on the merits. At the last meeting it was not postponed indefinitely I believe the petitioner asked for that. The Commission had voted not to table it indefinitely but to bring it up at the next meeting after the motion for reconsideration was granted. Like I said they can still vote to table it indefinitely that is always an option. It is just a request by the petitioner that it be tabled indefinitely so it's up to you.

Mr. Harvey – We've been meeting with the church, the Board Members as well as a couple other pastors with the exception to Bishop Cast who unfortunately could never make any of the meetings that the community tried to extend a hand to him. The one

APPROVED

meeting that was set up with the church as well as one of the Planning Commissioners up here. It was indicated through me that meeting would have been on Monday not Sunday like they originally said to the Planning Commission Member up here I won't mention any names. It was made in front of a diverse community that we have all different ages, ethnicity, religions, we had everybody that lives in our community meet with pastors as well as Board Members. We indicated that parking was our main concern and that we wanted this project to move forward because we do want something to beautify that particular parcel in the neighborhood. All we asked for was around 35 parking spaces to be moved instead of building a wall, a huge retaining wall that usually every other church has.

The problem that I have is Bishop Cast had a meeting that was public with Carolyn Clifford about tearing down fences and barriers and uniting as one. Uniting the community yet all he's done is set division. He doesn't want to meet with the community and he frankly doesn't care. Other pastors and Board Members on this church meet with us indicated that they live in communities such as Farmington Hills, Macomb Township, Southfield, one of the pastors was a Detroit Police Officer that indicated if this was his community he would be highly upset as well. Yet it still stands there five years later. We invite anybody into this community that wants to beautify it, cut crime and move this city forward unite it as one. But unfortunately we have not seen that. There was a Halloween at this church, they indicated to a few of us oh come to this they had off duty Detroit Police Officers armed stating that we were not welcome. Is this something that a church does not to mention that is against the general orders of the Detroit Police Department for an off duty officer to be there in that capacity.

We welcome any church and diversity into this community as long as you're willing to work with the community. I find it pretty pathetic that the rest of the neighborhood has taken profit losses on their homes because this has sat there for five years and the city's done nothing. But it's gone after other huge business such as Walmart at 12 Van Dyke saying that they are going to get them for blight. But on this building every time that a neighbor would call and say the weeds are almost as tall as my four foot grandson the church would get a call and the Blight Busters would not show up. Does the citizens get the same do they get a call to say hey they are going to come out clean it up, no they get a ticket, where is the fairness in our city government. I find this disheartening that's not how city government works. You are elected for we the people, I know you are appointed but you also shouldn't be puppets to the higher ups you should be able to think for yourself and meet with the community and see

APPROVED

what's going on first hand it's been five years. Not only that I ask that you guys look at special land use that you indicated for Chicago Road Section 4 a special land use, it looks like certain businesses are held to different standards in this community. All we ask is for everybody to be treated fairly and by the same rules.

Mr. Jeff Curle – Good evening, I live on Masonic across the street from this building. This building has been sitting here for 6 years in June, this is a 6 year old plan. Two years into construction Mr. Cast decided that he seen something more beautiful that he wanted and he changed his mortgage from a new construction mortgage to a traditional mortgage so he could buy St. Sharbel, he decided that, none of us. The whole reason that you are all here and have spent so much time on this is because of Mr. Cast and his arrogance to this community. Moving forward with purchasing St. Sharbel and ignoring this building for 3 ½ years knowing that nothing was going to happen.

To the City Attorney I may point out and have a question for you, how do you think LAM would prefer it if they had the Chair on our payroll and if they had a private meeting with Mr. McClanahan as they did. They said that they invited the community, to Mr. McClanahan didn't you think it was odd as vocal as I am and this community that nobody was there for that meeting. That was purposely done, they have directly lied in your face several times. We've had two meetings with them and we specifically asked them, look all we want you to do is move the parking to the south. You have 10 acres of green space that can move this property and parking to the south, which everybody would be happy. In both meetings, and Kelly Colegio was at one of the meetings here, they had agreed and said yes that's what we'll do. Then they came forward to the next meeting where your Chair had moved it to old business and ironically nobody was here from the church. So unless that church had some type of ESP somebody told them ahead of time that she was going to move it to old business. To be honest with you that's collusion. They knew that it was going to be moved to old business and that's why none of them were here.

I don't appreciate the way we have been treated. You all have been put in positions here for one thing and that's to look out for the best interest of the community and you failed us, you have all failed us. Nobody in our community would be allowed to have a building sit for 6 years with nothing done or no fines. Now I ask myself, why won't he move the parking, when they moved it to old business you guys asked them are there any changes he said no. That's when we knew he was lying to our face that's why we were angry because he

APPROVED

had promised us he would. So there's only two reasons why he's not moving the parking one, he doesn't want it on the St. Sharbel property because he'll have to look at his own parking, which would make him the biggest hypocrite in the city. Or two, he plans to develop this area and then sell it. Now what developer would be able to come into our city and add a 20,000 square foot four story building to a 10,000 square foot one story building and let it sit for 6 years while they move on to better things and then come back 6 years later and demand that you approve it. And use prejudice as an excuse as why you haven't gone forward with it, that's an insult to our community.

You would have revoked their developer license, you would have sued them, you would have sought criminal charges, and you would have revoked their $60,000.00 dollar bond, which in fact you actually refunded to Mr. Cast, which you shouldn't have when he went back on his plan. The whole reason that you have a $60,000.00 dollar bond is to guarantee that he follows through with what he promised in a very reasonable time, which is not six years. Letting him get his $60,000.00 dollars back is a sham and nobody in this community would be allowed to do that. Like I said if it was a developer he'd be in jail. He doesn't want to move the parking so he can develop it and sell it, which of course again he's going to make money off it which is tax free dollars to him. Are the taxes paid up, he doesn't pay taxes on it, he doesn't pay taxes on the house that sits vacant across from my property, he doesn't pay taxes on the five buildings, he doesn't pay taxes on the 15 acres that's sitting there. He also had everybody in one meeting come forward and say the reason that they want this building is because they want a gymnasium. And they had people come forward and tell you there's no gymnasium in the five buildings that they own, which is an absolute lie. Shepard Elementary School does have a gymnasium there that was partitioned off when it became a Catholic School so they could make more classrooms out of it.

The reason we are angry is because A, you guys don't get it, you don't get the community, the reason you're here is to help us. B, because you have somebody who's getting away with something that nobody should be able to get away with because of who he knows, the Chair of this Committee. Is that how this works, is that how Mr. Fouts runs an Administration because if that is I'm moving because I don't think what you're doing is honest and fair to the community. Yes our property values have gone up somewhat since 2009 when we had a complete collapse of the real estate, but when you look at our dollar value compared to say parts of Fraser and parts of Sterling Heights they're getting $130.00 dollars a square foot

APPROVED

we are getting about $90.00 why? If you really wanted to do something for the city you would use your voice independently. Instead of cowering around somebody who is trying to push you into something you know is wrong.

This is a 6 year old plan that needs to be updated and upgraded. You have people actually coming in from the south to go to an entrance to the north that means they have to go 180 degrees around the building to get in the building, which is absolutely absurd. He has 10 acres of space now for these parking spots that you haven't even considered. You sir asked them what if we put up a little retaining wall a 4 foot wall when you have 40 foot industrial lighting in the parking lot that's going to be shining down on our homes. Nowhere else do we have lightening and businesses on a residential street and you guys are considering it. He's telling you go ahead and table it and you're continuing to let it go.

Vice Chair Kupiec – Sir, you're beyond your five minute limit. Thank you for your time and your information, thank you.

Mr. Steve Warner – Good evening Steve Warner representative. Although this church resides in district three I still have to drive by it every day on the way to work and on the way home. I have fielded phone calls from residents in my district who live behind Peter's Funeral Home most of whom still think it's a warehouse. For something that is supposed to unify people this has been one of the most divisive churches in recent memory. The plans keep getting changed and then rearranged without any regard for the residents and I concur with Mayor Pro Temp and Planning Commission Ex-Officio Colegio that after this public hearing it would be nice to hear a tabling motion indefinitely to have a meeting with the petitioner and the residents of whom this is affecting. Thank you.

Mr. Jeff Curle – Can I say one more thing?

Vice Chair Kupiec – Is there anybody else that would like to speak to this issue I see a lot of smiling faces but no one wants to come up and speak. If everybody has finished speaking we'll give the gentleman another opportunity to come up and finish up.

Mr. Jeff Curle - If you look at your bylaws article 7.4 it states that if it's voted on twice and it fails to go through it's automatically denied. You voted on this in early October and it did not go through, then you voted on it again, unanimously it went through, then you rescinded your vote. So actually that was your second vote and you

APPROVED

voted against it again it did not pass so it should automatically be denied. You can look at it in your bylaws it's 7.4.

Also I would like to state while I'm on record that the Mayor actually ended up calling an African American, who lives in our community and has been welcome with open arms, called her and told her that this was a prejudicial issue. I want to point out very clearly that this is not the case. She's here in the audience and if you'd like her to speak she'll be happy to. I just wanted to make it very clear that when this was going to be a church six years ago nobody complained, nobody argued about it and nobody had a problem with it. Now the fact that he's trying to make it into a business and bring parking there when he has space that's why we are upset and angry about it. Thank you.

Vice Chair Kupiec – In talking with the City Attorney we've got three issues we can postpone indefinitely, table indefinitely, approve, or deny.

MOTION:
A motion was made by Commissioner Vinson to postpone indefinitely, supported by Commissioner Karpinski.

ROLL CALL:
The motion carried as follows:

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

B. SITE PLAN FOR OPEN STORAGE OF STEEL PALLETS: Located on the northwest corner of Frazho Road and Groesbeck Highway; Section 24; 14401 Frazho; Ari Kurzmann.

Secretary McClanahan – We have a letter that I'd like to read into the record. To whom it may concern: We hereby request to table the following item Site Plan for Open Storage of Steel Pallets; Property address 14401 Frazho. Item to be rescheduled for the public hearing on January 9th, 2017. If you have any questions please contact me. Ari Kurzmann.

APPROVED

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

MOTION:
A motion was made by Commissioner Rob to table until January 9, 2017, supported by Assistant Secretary Smith.

ROLL CALL:
The motion carried as follows:

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

C. SITE PLAN FOR NEW WAREHOUSE: Located on the east side of Sherwood Avenue; approximately 125 ft. north of Lozier Avenue; 23500 Sherwood; Section 28; Mike Piatt (Scott McVeigh).

PETITIONERS PORTION:
Mr. Mike Piatt – I'm the Vice President of Finance with Wico Metal Products, who is the petitioner to build this warehouse. As you know Wico Metal Products is a large footprint in the Warren/Center Line area specifically on the Sherwood corridor. Currently we have 6 facilities and in the process of closing on two additional facilities that we recently purchased on Mound and Rinke. This warehouse was originally set to be built back in 2008, as many of you may know that was during the economic decline and all capital projects at that time were put on hold so we could foster the company through the economic decline. As that's happened we came through quite well, we've thrived and we continue to grow. Since 2009 we've added over 200 new employees and the need for this warehouse has once again come up due to the fact that we will be putting two new stamping presses in our currently facility and we need additional space to store finished good parts. It was originally approved in 2008 and we would like to see it approved again. Thank you.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
DTE: Approved.

APPROVED

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

1. All existing and proposed utilities along with any associated easement must be displayed on the site plan.
2. The proposed building improvements shall not be within the influence of any existing or proposed utility. Any existing utility within the building envelope shall be removed and relocated.
3. Modification to the existing storm water drainage districts may require the site to retain storm water on the site.
4. The proposed acreage of disturbance shall be shown on the plan. If the area of disturbance exceeds one acre, then this site shall comply with the storm water ordinance.
5. All interior or covered drains shall be connected to the sanitary sewer
6. The proposed water main improvements may require a permit from the Michigan Department of Environmental Quality.
7. Clearly identify the proposed pavement improvements. All parking areas require concrete curb and gutter to be installed around the perimeter.
8. The access to Memphis Avenue shall be designated as emergency only.
9. The written legal description does not match Macomb County Records.

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

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

Mr. Ron Wuerth reads the recommendation of the Staff:

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

APPROVED

COMMISSIONERS PORTION:

Assistant Secretary Smith – I noticed when I went by there today on the end where this new warehouse is going to be built there's a bunch of metal containers that are stacked up. Do those have finished parts in them or is that scrap, what is it?

Mr. Mike Piatt – Are you speaking of the containers that are outside, those are just additional containers that do not currently have parts in them.

Assistant Secretary Smith – Will those go inside the warehouse?

Mr. Mike Piatt – They will go inside the warehouse correct, and there will also be in the building plans, which have yet to be turned in, there will be an awning going from existing building to the warehouse so there will be coverage in that area as well.

Commissioner Rob – So we have 100,845 square feet area that you need to waived so I think from our finding in 2008 you did request a waiver of 72,552 square feet did you get that approved at that time from Zoning?

Mr. Mike Piatt – Everything went all the way through, we received our certificate we were ready to build. So everything was approved all variances were approved.

Commissioner Rob – So you are going for the difference of 22,000?

Mr. Mike Piatt – Every recommendation that the city has made obviously we will work with the city to comply with all recommendations.

Vice Chair Kupiec – I take it from what your last comment was that you've seen the recommendations and you agree with all of them?

Mr. Mike Piatt – They are being reviewed and obviously we will work with the city to meet every recommendation here, correct.

Vice Chair Kupiec – Do you have any problems up front that you've noticed right away?

Mr. Mike Piatt – I am not a Civil Engineer, as far as the square footage that is being recommended there we'll have to relook at that with our Civil Engineer and obviously work with the city to meet all specifications that you need.

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Vice Chair Kupiec – Initially you were approved way back in 2008 for this project?

Mr. Mike Piatt – That's correct.

Vice Chair Kupiec – And what seems to be the holdup for the last eight years?

Mr. Mike Piatt – Once again there was a large economic downturn in 2008 and 2009 that crippled most of the manufacturing base here in southern Macomb County and through the United States. It took a good 2 years to get back on our feet, from that point on we bought 2 additional facilities on Sherwood which was able to subsidize our need for this warehouse. Once again we continue to grow, we continue to bring jobs into the city, and we need additional space to warehouse finished good parts. This will be a cold storage warehouse there will be nothing but storage of parts there.

Vice Chair Kupiec – You also in your proposal mentioned a canopy between two buildings, what is the purpose of that canopy?

Mr. Mike Piatt – So when you're moving parts back and forth to the warehouse it protects the parts from getting wet. It's just a coverage so the hi-lows can take it from our facility right to the warehousing space.

Vice Chair Kupiec – So it's just a protection for going back and forth between two buildings?

Mr. Mike Piatt – Correct.

Vice Chair Kupiec – It's not designed to store things outside?

Mr. Mike Piatt – No, no.

ROLL CALL:
The motion carried as follows:

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

APPROVED

D. SITE PLAN APPROVAL FOR NEW APARTMENT BUILDING ADDITION TO REGENCY CLUB APARTMENTS: Located on the northwest corner of Hayes and Frazho Roads; 26160 Regency Club Drive; Section 24; Michael Tobin; TG Warren, Inc.

PETITIONERS PORTION:
Mr. Michael Tobin – As you recall I had site plan approval before for two buildings totally 46 units, one was a 36 unit building and one was a 10 unit building and we were able to get it on two lots. Since that time we were able to buy the neighboring five lots and because of that we were able to revise our site plan and come up with a much better plan. You'll see the 10 unit building is still there that was previously approved. We added three 16 unit buildings to it as well and three of the 16 unit buildings will have one car garage. There will be a fourth 16 unit building that won't and the 10 unit building won't. However, we built around the lot and we spaced everything properly so that when we are able to buy the one lot both of those buildings will have the garages put on that lot, but we don't own it. We plan for it and we are distancing and sizing everything appropriately. The pond that you see there we didn't have before and we have the pre-filter going into the pond to meet with the new requirements. So I think we ended up with a far better lay out then what we had originally got approved.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
ENGINEERING: Preliminary review of the site plan yielded the following comments:
1. The site shall comply with the storm water ordinance. Pretreatment and detention may be required.
2. Any improvements of taps to the Schoenherr Relief Drain will require the approval of the Macomb County Public Works Office.
3. There shall be no permanent structure constructed within an existing easement.

FIRE: Preliminary review of the site plan yielded the following comments:
1. Meet all the requirements of the 2012 edition of the Michigan Building Code.
2. Maintain existing fire apparatus access roads 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 width of 20 feet.

Ms. Michelle Katopodes reads the recommendations of the Staff:

APPROVED

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

COMMISSIONERS PORTION:
Vice Chair Kupiec – Have you had a chance to review the recommendations?

Mr. Michael Tobin – Yes sir.

Vice Chair Kupiec – Do you agree with the recommendations or any problems with any of them that you can see?

Mr. Michael Tobin – No, the questions that we have we may have to go to the ZBA. It doesn't pay to put an 8 foot greenbelt around the property that we plan on buying and leveling and combining. I'm going to meet with the neighbor to the west and see what they would prefer. I think they might prefer a fence, but whatever they would prefer that's what we are going to go with.

Vice Chair Kupiec – You are going before the ZBA?

Mr. Michael Tobin – Yes, I have to just for the basements alone.

Vice Chair Kupiec – Mr. Wuerth would you like to address this?

Mr. Ron Wuerth – Thank you Mr. Vice Chair. Just a comment about the greenbelt or wall. Whether it's a wall, greenbelt, fence, that type of thing just make sure it's setback from Frazho Road. That's all we are looking for so make sure that's on the plan.

ROLL CALL:
The motion carried as follows:

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

E. SITE PLAN FOR NEW KROGER MARKET PLACE, GAS STATION AND CONVENIENCE STORE: Located on the northeast corner of

APPROVED

Schoenherr and Thirteen Mile Road; Section 1; 31200 Schoenherr, Daniel Carper (Michael McPherson).

PETITIONERS PORTION:
Mr. Michael McPherson – Good evening my name is Michael McPherson with Atwell, I'm a Civil Engineering Consultant for Kroger on this project. This project is located at the northwest corner of Schoneherr and Thirteen Mile Road. The site is currently used by a former Kmart Store and a couple other buildings include a former Kmart Auto Center and a former Coney Island all of which are not operating. There is a Burger King on the property the Burger King is operating and will stay, the other three structures plan to be demolished and replaced with a Kroger Market Place Store and a Kroger Fuel Center. The Kroger Market Place Store is approximately 128,000 square feet it's their largest and new kind of flagship store that are coming out everywhere.

It has a few amenities that typical small Kroger's don't have including a drive thru pharmacy and a click list which is another new item that Kroger's is rolling out at their stores. Click list is an area on the site where you can actually order your groceries on line and you're given a day and a time when you can pick them up. There's a specific area that's designated with some numbers and signage that you drive into your groceries are brought out to you. You can pay for them without leaving your car and drive away.

The Kroger building itself is like I said a new proto type, we think it's attractive. It has a mixture of materials including brick, split face CMU, fiber cement panel, and prefinished metal. The site itself will be generally laid out in the same orientation as the Kmart was. The Kroger will sit where the Kmart building sits all the access to the site will stay the same from Schoneherr and Thirteen Mile. The parking lot will be repaved, restriped, and new curb islands with landscaping. On the north and east sides where we abut multi-family residential we put 20 plus foot greenbelts will be maintained, new landscaping will be put in to supplement the existing landscaping, new lightening will be put in the parking lot, and new irrigation system. It will look like a brand new site when development is complete.

We have received the recommendation letter from your Planner and we've reviewed it, we don't have any issues with the conditions set forth in it. With that we will be happy to answer any questions that you may have tonight.

Secretary McClanahan reads the following correspondence:

APPROVED

TAXES: No Delinquent Taxes.
DTE: Approved.
ENGINEERING: Preliminary review yielded the following comments:

1. There shall be no permanent structure constructed within an existing easement.
2. The site shall comply with the storm water ordinance. Pretreatment is required and detention may be required.
3. Any improvements within the Schoenherr Road right-of-way will require the approval of the Macomb County Department of Roads.
4. Provide easement documentation for the water main, storm sewer and sanitary sewer going through Parcel ID#13-01-351-011.

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

1. Must meet all the requirements of the 2012 Edition of the Michigan Building Code.
2. If required by the building code, the building must be equipped throughout with an automatic sprinkler system in accordance with NFPA 13. Fire department connection threads shall be national standard type and a fire hydrant shall be provided within 150 feet of the fire department connection.
3. Maintain existing Fire Department access roads. Fire apparatus access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.
4. Provide fire alarm system if required by code
5. Provide Fire Department lock box (Knox box) as required by city ordinance.

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

1. Data missing from site plan:
   a) P zone (29 feet)
   b) Distances between islands (measure to less than 23 feet)
   c) Distances between islands and parking where applicable
   d) Distance of ingress at pharmacy drive thru
2. Variances required:
   a) 14.03 building height as noted on site plan
   b) 4.32 parking as noted on site plan
3. Use variance required:
   a) 16.01 a building in a P zone (fuel kiosk)
4. Would like a complete sign package including the Burger King sign with distance from leading edge of property line. Signs within the first 29 feet would require a use variance.

APPROVED

Mr. Ron Wuerth reads the recommendations of the Staff:
Just one comment, what I was looking at on the site plan, it appears that on the colored graphic that the land area in the front setback area in front of the Burger King looks like its hard surfaced. And that's also the area between the sidewalk and the street curb and we expect that all that needs to be landscaped out front. That's what I noticed there and perhaps Mr. McPherson can speak to that.

PUBLIC HEARING:
Mr. Tom Tamou – Good evening Mr. Chair, I'm an electrical contractor and also a developer who has some property in Warren. I've been working with Ron Wuerth for 3 years now and looking to work with him some more. I like this project I think it should go forward. I'd like to know when the project will start and what the time expectancy is for this project to be completed. I would like to put an Out Lot in front of Kroger if they will sell me some parcel to put a retail strip anywhere from 6,000 to 10,000 square feet. I'd like to give my number to Kroger and maybe work with them.

Ms. Gail Guglietti – Hi this is the first time I've ever done this. We live in the apartments that are right next to the Kmart and they have the gate closed on Thirteen Mile from 3:30 in the afternoon until 7:00 in the morning and closed on the weekends so we would only have one way to get out. The Kroger's at Fourteen and Schoenherr is very crowded so we would a difficult time, we've seen many accidents from people trying to make a left to get out of there. I'm afraid somebody is going to get hurt that's all I have to say.

Mr. Larry Mowinski – Good evening I just live across the street from that site and my concern is the north driveway like this lady was referring to. There's three no left turn signs posted up there now and nobody sees them. When we first moved into our house they didn't have a left turn lane on Schoenherr for Sunday afternoon entertainment we'd sit on the front porch and know we were going to see at least three accidents sometimes six or seven. The people are turning left in that driveway and everybody behind them saw the left turn lane. When people are trying to get into that left lane it complicates getting out of the neighborhood to go north on Schoenherr and getting out of the apartments to go south on Schoneherr. If they are going to redevelop the property maybe they could move it down on the other side of Burger King close to the gas station and eliminate that driveway that would free up the apartments and be able to get in and out of the neighborhoods.

APPROVED

Mr. Steve Warner – Steven Warner District 4 Councilman. I'm glad this site is being developed. I like Kroger's, we don't need anything like with what happened at 12 Mile and Van Dyke with Walmart. A lot of residents that live behind there were calling me concerned that this is going to be a blighted property and it was going to sit and sit. It makes sense during the recent trend of what Kroger's has been doing with the Kmart's. I like what you did at 13 and Little Mack, that store is very nice. I know this is going to be esthetically very pleasing and it's going to be beneficial to the community.

I do have a couple of concerns one, what happens to the gas station that we bent over backwards for to get Kroger's to have installed a couple years ago, secondly there already is a gas station at Thirteen and Schoenherr. I've asked the City Attorney's Office to look into it. Normally we have gas stations or as many of you grew up in the 70's know there used to be a gas station on every corner. But to have two gas stations right next door to each other in this close proximity not sure if this falls into any of our zoning ordinances or any environmental concerns with that many gas tanks in the ground in that area, so I hope that can be addressed.

Second, the property at Fourteen and Schoenherr once that is vacated the only store that's going to be there is the Advanced Auto Parts unless something has come to the city's attention that someone's ready to move in once Kroger's move's out. I'd like everybody to do their homework on this, I know this still has to go to ZBA but those are some of my concerns. I'm looking forward to working with the representative from Kroger, thank you.

Mr. Dave Guglietti – I also live in the apartments that was my wife who came up first. I may have a solution about getting out of our apartment complex off of Schoenherr and making a left. If maybe Kroger's could do a one way exit from our apartment complex into their parking lot so we can get out on Thirteen Mile at any time. If they put up a gate that's just a one way gate because I'm pretty sure that Arlington Manor doesn't want people from Kroger's going into our parking lot. If they made a one way gate where we could just go out into their parking lot that could solve it, as far as getting out and making a left. We can only get out to Thirteen Mile on weekdays so maybe somebody could suggest that.

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

APPROVED

COMMISSIONERS PORTION:
Secretary McClanahan – We've heard a couple of the concerns from the neighbors regarding the driveway, do you see any solution to the problem that we could all agree on?

Mr. Ron Wuerth – Well I certainly hear what they said it's a concern with a four lane roadway, in my mind for some reason don't visualize it, I know they are five lanes with a turn lane on Schoenherr at the intersection. Going north I can't remember whether it's four lanes, but assuming its four lanes, I think that perhaps the petitioner should contact the Macomb County Roads and have them take a look at this problem. Take a look at the accident issue there and find out what the police in the City of Warren have experienced there. It's not something that we commonly look at. We didn't ask for a study, of course that's always something that perhaps should be looked at. I don' t know if they did a pre-study of any type for transportation and what's going on at these intersections or anything that looks like a quarter of a mile north and east of the intersection, there's a lot of traffic at the intersection and there's going to be more. So that might be something to think about.

Secretary McClanahan – I've had some calls and concerns about the Fourteen Mile and Schoenherr Kroger so obviously, this would be closing and the gas station would that close too?

Mr. Ron Wuerth – The gas station, I think the petitioner can answer regarding what will happen to that.

Secretary McClanahan – Is there any stores in the pipeline there for the Fourteen and Schoenherr location if that Kroger is closing there?

Mr. Ron Wuerth – Not that I know of. To me it's good place for a Whole Foods or Plum Market any of those upscale type grocery stores. It will fill a space and I don't think it would affect the market place in anyway.

Secretary McClanahan – We heard about a question about gas stations side by side like that is there any problem with that in the city ordinances?

Ms. Caitlin Murphy – I don't know of anything off hand but I haven't been able to research it. I don't know exactly who was assigned or whose looking into it in the Attorney's Office, I know that it wasn't referred to me. So I could get back to you on that but I don't have an answer for you right now. Also the MDEQ would look into it with the

APPROVED

State regulation as far as that went so that would be up to the State rather than the City as far as gas tanks.

Mr. Ron Wuerth – The ordinance before 1960 there were rules at that time for gas stations and where they could be placed. But those rules they didn't follow into our newest zoning ordinance. I just took a quick look at it and you could have 10 gas stations in a row if you wanted to although it's unusual.

Secretary McClanahan – Some of the concerns that some residents have contacted me on was the Fourteen Mile and Schoenherr Kroger would that be closing with this?

Mr. Michael McPherson – That's undecided at the moment it's a possibility. I think Kroger's intent is to keep it open until this store opens they may operate it for a little bit and see what sales do. If it still supports itself, they may operate it if it doesn't it's a possibility that it may close.

Secretary McClanahan – Are there any stand-alone Kroger Gas Station's?

Mr. Michael McPherson – No if the store closes the fuel station would close.

Secretary McClanahan – And you heard the concerns from the neighbors from the apartments with the driveway?

Mr. Michael McPherson – I will say that we have talked to Macomb County Road Commission as you can kind of see on the plan that's the one entrance that has some hatching and stuff on it because we realized that there's a sign for no left. And that's because it's not lined with the street across from it so there's actually a posing turn, we are proposing to align it with the street on the west side to help with the congestion there.

Secretary McClanahan – And with aligning it you would allow the left turn?

Mr. Michael McPherson – The left turn restriction would be lifted by the County.

Secretary McClanahan – And through the County study they thought that aligning it would reduce those accident problems?

APPROVED

Mr. Michael McPherson – The County is happy with the geometric shown on the plans.

Secretary McClanahan – And they did take into account the apartments next door?

Mr. Michael McPherson – They took into account all the driveway spacing yes.

Commissioner Rob – Most of the Kroger's Gas Stations, the kiosk is under the canopy on this one it's far away from the canopy isn't that more hazardous because people will walk from the gas station and from the pump and go pay?

Mr. Michael McPherson – This is Matt Pisko, he's actually the Field Station Consultant, he can answer the questions better than I.

Mr. Matt Pisko – We've started to appreciate that we live in a norther climate here as people are outside in front of the kiosk we want to give them the opportunity to get into an enclosed building. So this may be the way forward combined with this new grocery store this is probably what we are going to have moving forward moving away from under the canopy. And it offers another fueling position under the canopy you'll notice it's an even number when the kiosk are under the canopy they are odd numbers of dispensers. So it provides another fueling position and a building that the customers can get in and make their transactions. It's just more convenient trying to protect our customers the best way we can.

Commissioner Rob – How many pumps will be there?

Mr. Matt Pisko – Ten.

Commissioner Rob – People will come out and they will drive off and you'll have people also paying at the kiosk, don't you see this as a hazard?

Mr. Matt Pisko – Believe it or not it's moving towards a more traditional fuel station design where there's a convenient store in the back and the fueling pumps are in front. A great many of the transactions occur at the dispensers via credit card so no everyone is going to go into the convenient store.

Commissioner Rob – Will you have diesel?

Mr. Matt Pisko – Yes that's correct and all the front fueling positions.

APPROVED

Commissioner Rob – When is it planned to start and how long is the duration of the construction?

Mr. Michael McPherson – The plan would be to start construction sometime next year pending when we have permits, approvals and all that stuff in place. No actual date set yet but next year at some point. The main store itself would probably take around 10, 12, 13, months, the fuel station about 3 months.
Commissioner Rob – Why are they moving from Fourteen Mile to Thirteen Mile?

Mr. Michel McPherson – Well this site provides opportunity for the Market Place Store it's a larger site and this is the way Kroger's business plan is moving, to provide a larger store with more options and amenities for their customers.

Commissioner Rob – So the gas station you have on Fourteen Mile of course will close are you going to remove those oil tanks from there?

Mr. Matt Pisko – If in fact it does close Kroger would remove the underground storage tanks and the fuel station.

Commissioner Rob – Thank you for answering all my questions.

Assistant Secretary Smith – It looks like a very exciting site the click list thing is something that I'm not familiar with, is there hours that people can do this?

Mr. Michael McPherson – I believe that it only operates when the store is open and it may even been one hour after the store opens and one before the store closes. Sometimes Kroger does that so they can close certain departments out. I believe the store generally operates from six to midnight, so it's not 24 hours and the click list would not operate 24 hours.

Mr. Matt Pisko – Same for the fuel station it can only operate during store hours of the regular grocery store.

Assistant Secretary Smith – There's an outdoor café is that going to be basically just for seasonal or is it going to be covered so people can sit out there?

Mr. Michael McPherson – It's seasonal there's no plans to have a large canopy or have it covered at this point.

APPROVED

Vice Chair Kupiec – It appeared due to the scope of this project it was going to be a 24/7 operation but it sounds like hours of operation are from 6:00 am until midnight?

Mr. Michael McPherson – Correct, that's typically the hours that Kroger operates their stores.

Vice Chair Kupiec – Seven days a week for the gas station and the store?

Mr. Michael McPherson – Yes.

Vice Chair Kupiec – What are your plans for that the Burger King building that's there?

Mr. Michael McPherson – It would stay, they currently have a lease on the property so the Burger King will stay. There will be some improvements on paving around the Burger King area so the Burger King will stay and operate.

Vice Chair Kupiec – As a Burger King?

Mr. Michael McPherson – As a Burger King.

Vice Chair Kupiec – Speaking of parking lots I would assume that because of the scope of this project you are going to completely redo the parking lot?

Mr. Michael McPherson – The parking lot will be fully rehabilitated with numerous curb islands, landscaping stuff will be added.

Vice Chair Kupiec – And you said you have contacted State of Michigan regarding this traffic congestion and traffic flow on the north side of Fourteen Mile and Schoenherr?

Mr. Michael McPherson – We talked to the Macomb County Department of Roads.

Vice Chair Kupiec – Have they actually done a traffic study?

Mr. Michael McPherson – We have not done a traffic study, we have not been requested or required to perform a traffic study. We talked to them specifically the northern entrance on Schoenherr because left turns were precluded currently into that. So we talked to them about how we could better that situation, which we have agreed to

APPROVED

fully reconstruct that driveway entrance and add deceleration lanes. The new location is aligned with the road across the street so there's no conflicting turns. We are moving the driving a little bit it's all on the site still but the driveway is being shifted from its current location.

Vice Chair Kupiec – One of the neighbors suggested a possibility of a one way road from the apartment complex into your complex?

Mr. Michael McPherson – It's probably not something that Kroger would entertain no, it would be too much of a liability for that.

Vice Chair Kupiec – Obviously traffic is a big concern we are hoping that you are very successful and bring a lot of business but on the other hand the neighborhood is pretty well developed and it seems like it's overcome with traffic as it is now and the more you put in the worse it gets.

Mr. Michael McPherson – I would point out that the use that we are proposing is pretty much exactly the same use as the Kmart. The traffic that was generated when Kmart was operational is going to be the same, the buildings are the same size and the same type of retail store.

Vice Chair Kupiec – And as in the past you've always worked very closely with the Planning Department with all the recommendations. There's pages and pages of them did you have a chance to look at them?

Mr. Michael McPherson – We certainly have looked at it and we don't have any concerns with the comments. We will most likely comply with lowering the building by eight inches to meet the 35 foot height so we will not need a variance for that. Also with shifting that parking along Schoenherr to provide the front greenbelt without any parking in it, loosing six spaces but that way we wouldn't need a variance for that. We do understand that we'll need a variance for the number of parking spaces and potentially site lightening height if we choose to propose a taller pole. We have discussed that and in the main area of the parking lot we might propose to use a 35 foot high pole because it provides better lightening, the perimeter would all comply with the 20 foot height and all the perimeter lighting trespass requirements would be met. That's something that we are thinking about so those two items for sure and potentially some signage, which I know is a separate approval but that may be something we pursue a variance for.

APPROVED

Vice Chair Kupiec – Well it looks like quite a project. You've already answered the question regarding the time frame from start to finish, are we looking at a completion of 2017?

Mr. Michael McPherson – Likely not a completion in 2017, maybe if we start early enough in the year it's possible, but it's also possible that it would fall over into the first part of 2018 depending on when construction starts.

Vice Chair Kupiec – Do you have plans to open the gas station up first?

Mr. Michael McPherson – That hasn't been determined yet there's no plan to do so.

Vice Chair Kupiec – We look forward to seeing it, we hate to see the one go that's there right now just a mile away from it because we've gotten use to using it, but you can't hold back progress that's for sure.

Mr. Ron Wuerth – You were talking about lighting and the 20 foot that's not going to work, is that what you are saying?

Mr. Michael McPherson – Well we'd like to propose 20 feet around the perimeter in the main lot 30 feet.

Mr. Ron Wuerth – The Planning Commission is going to have to approve that, it's like a variance only the Planning Commission approves it. It's not in the zoning ordinance it's what the Planning Commission has always asked for or I should say what the Planning Department has asked for on all sites.

Secretary McClanahan – Well I would like for my motion to include that then.

Mr. Ron Wuerth – To include what they are doing?

Secretary McClanahan – Yes.

Mr. Ron Wuerth – Okay it just needs to be on the record.

Assistant Secretary Smith – Just to clarify what the petitioner wants to do. The exterior lighting around the lot will be 20 foot high and then in the middle of the lot you're going to have three or four lights at 30 feet?

APPROVED

Mr. Michael McPherson – Correct we did provide a lighting plan in the package if you guys have a copy of it. So all the new light poles around the perimeter would be 20 feet or lower and comply with the requirement. In the main lot I don't know the number of poles off the top of my head, it's probably a half dozen maybe eight of them, I propose 30 feet. That just provides a much better and cleaner lighting plan from a photometric stand point then the lower poles. They are all LED lights so they are the thin profile very direct light there's really no trespass, glare or glow from those type of fixtures.

Mr. Ron Wuerth – Just a comment on the lighting plan I did look at that I didn't notice the issue of the height of the lights. However, what I usually look for is to make sure that there's light encroachment beyond the property lines it's all 0.0 as they show it on the plan, so I was happy with that it will probably work just fine.

Vice Chair Kupiec – While you're up there, on this click list for grocery shopping is that something that's new in the Kroger system or has it been used around the country?

Mr. Michael McPherson – It's fairly new I think in the last year or so they have been rolling it out and trying to retro fit it into some of their existing stores around the area. So certainly some of the stores currently have that. It is something they are trying to do across the board all new stores like this would certainly have it.

Vice Chair Kupiec – What's your experience been with them what's the acceptance and how does it work?

Mr. Michael McPherson – I think it works well, Kroger is saying that people use it more and more. Personally I haven't used but my wife uses it a lot and she really likes it.

Vice Chair Kupiec – So from the home to shopping back to home you never leave the car?

Mr. Michael McPherson – Exactly, you don't have to haul the kids out of the car, if it's snowing or raining you don't have to go out in the elements.

Vice Chair Kupiec – Do you have any regulations for your company as far as fueling when they fuel, because of the traffic condition in the area there?

Mr. Matt Pisko – By their nature tankers don't like to move during rush hour. We will dictate when deliveries are made the tanks are

APPROVED

electronically monitored. The fueling is on a need base, when tanks are nearing depletion orders are cut and they are dispersed so it could happen during any of the regular business hours.

Vice Chair Kupiec – There's nothing worse than to see a large tanker with 10 or 12 thousand gallons of gasoline trying to get into a small space, which in this case is not a small space but it's a high traffic area during rush hours. It never seems to fail people trying to get to and from work and do their daily activities and here's a big tanker trying to get in to service the gas station needs.

Mr. Matt Pisko – It's not a terribly frequent occurrence and it's a practice that last around 25 minutes. So it's not a long process that they are on site and again it's the natural inclination of the terminal to not dispatch during rush hour. It would be harmful to the fuel station and to our customers to let tanks go dry. They do a pretty good job managing their inventory they know where the tanks are on a minute by minute bases.

Vice Chair Kupiec – Are you electronically monitored as far as your inventory?

Mr. Matt Pisko – Beyond a shadow of a doubt it absolutely startling how accurate the system is. Inventory is not performed by stick if by chance there was a catastrophe and no electricity we could stick the tanks, but that's not how it's normally monitored.

Vice Chair Kupiec – How much fuel capacity will be on the premises?

Mr. Matt Pisko – 20,000 and 38,000 gallons.

Vice Chair Kupiec – And you are also going to include diesel?

Mr. Matt Pisko – That's correct, 10,000 will be diesel, 8,000 will be premium, 20,000 will be regular unleaded.

Vice Chair Kupiec – You're not going to entertain the thought of over road trucks coming in there for fuel are you?

Mr. Matt Pisko – Absolutely not, it's not appropriate.

Commissioner Robinson – With the lighting that you are going to have in the Market Place there will there be surveillance perched on those lightings. That's a concern particularly if you are going to be open during evening hours there.

APPROVED

Mr. Matt Pisko – I can only speak to the fuel station portion and there are cameras I'd rather not get into the number and where they are placed. There's definitely video monitoring around the fuel station.

Mr. Daniel Carper – I'm the Construction Manager for Kroger and we do obviously have cameras that are on our fuel center with cameras at each dispenser. In the store we have 128,000 square feet our standard is one camera per 1000 square feet, so we'll have a 128 cameras minimum in that store and that will include inside the store and outside on the parking lot. It's not one camera per pole but we do have some coverage on the front of the store.

Secretary McClanahan – Looking at the light plan it won't affect the residents next door so I didn't have any problem with that.

Vice Chair Kupiec – Is that going to be part of your proposal that Mr. Wuerth suggested?

Secretary McClanahan – Yes.

Assistant Secretary Smith – Back to my question on the lighting that I didn't get to finish. Is there a reason why the 30 foot versus 25 feet?

Mr. Michael McPherson – Yes the extra height in a parking lot this size really allows us to light the area better from a photometric stand point. So you can cast the light further, you can control it better, and you will have more even light in the area. The lower poles it just diminishes from a photometric standpoint what you can accomplish in a lot the size we are trying to light.

Vice Chair Kupiec – Mr. Smith did you approve the additions?

Assistant Secretary Smith – Yes.

Vice Chair Kupiec – Thank you. The vote reflected by this Commission will take into consideration all the suggestions that were put into the comments by the Planning Director, by the Commissioners, and somewhat agreed to by the petitioners, so our vote will reflect that.

<u>ROLL CALL:</u>
The motion <u>carried</u> as follows:

Secretary McClanahan…….. Yes

APPROVED

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

7. CORRESPONDENCE

A. Letter from Sterling Heights in regards to a digital copy of their proposed Master Plan.

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.

B. Letter of Resignation from Charles Pryor.

Secretary McClanahan – I have the letter and I'd like to read it into the record. To the Planning Commission from Charles Pryor. With great thought I regretfully am resigning from the Planning Commission. I've been having some health issues and will be unable to fulfill my duties to the Planning Commission. Thank you for the great experience. Charles Pryor.

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

8. BOND RELEASE

A. SITE PLAN FOR ASPHALT PARKING LOT: Located on the northeast corner of Eight Mile Road and Memphis Avenue; 7047 Eight Mile Road; Section 33; Ded Devukaj. Release of cash bond for $810.00 paid on March 9th, 2006. Expired Site Plan.

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

ROLL CALL:
The motion carried as follows:

Assistant Secretary Smith……. Yes

APPROVED

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

9. OLD BUSINESS

A. MINOR AMENDMENT TO SITE PLAN FOR INDUSTRIAL BUILDING: Located on the east side of Dequindre Road; approximately 699 ft. south of Fourteen Mile Road; 32600 Dequindre; Section 6; Jonathan Wiltanger (Michael Motte). The minor amendment is for tire storage addition to the existing storage building. **TABLED.**

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

MOTION:
A motion was made by Assistant Secretary Smith to recognize as a minor amendment, supported by Commissioner Rob.

PETITIONERS PORTION:
Mr. Mike Motte – Good evening I'm Mike Motte with PEA we are the Civil Engineers on the project, we are working with Penske Truck Rental on their existing facility at 32600 Dequindre Road. The request for the minor site plan amendment will account for approximately 13,010 square foot tire storage facility to be added on to the existing north side the wash bay. That is the only change to the site, it's just an unheated storage area for tires there will be no utilities into the area. So that's pretty much what they are look for at this time.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
DTE: Approved.
ENGINEERING: Approved.
FIRE: Preliminary review of the site plan yielded the following comments:

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

APPROVED

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.

Ms. Michelle Katopodes reads the recommendations of the Staff:

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

COMMISSIONERS PORTION:
Commissioner Rob – Are those tires for sale purposes or just for storage for the trucks.

Mr. Jonathan Wiltanger – I'm the Facility Project Manager with Penske Truck. The tires are for truck use only, they are not for sale.

Commissioner Rob – I always drive by that area and it's very clean, there's a lot of trucks there but I never seen traffic congestion there. Thank you.

Vice Chair Kupiec – The tire storage area is, this for new tires, or used tires, or a tire repair area?

Mr. Jonathan Wiltanger – They are new tires that we will put on trucks, we do fleet maintenance, and we rent and lease all of our tractors. So all the tires are to put on our trucks and all the used tires will get shipped off site.

Vice Chair Kupiec – So the tires are mounted ready to go on trucks?

Mr. Jonathan Wiltanger – Most of them are mounted at this point.

Vice Chair Kupiec – You won't do any tire mounting in this area?

Mr. Jonathan Wiltanger – No, not in that area, no.

Vice Chair Kupiec – And obviously it's for your own personal use nothing for resale for the public?

Mr. Jonathan Wiltanger – Our own personal use.

APPROVED

ROLL CALL:
The motion carried as follows:

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

B. MINOR AMENDMENT TO SITE PLAN FOR OPEN STORAGE OF TRUCKS FOR REPAIR FOR TRUCK REPAIR FACILITY: Located on the south side of Ten Mile Road; approximately 468 ft. west of Thomas Street; 3200 Ten Mile Road; Section 30; Sam Shamaya (Kerm Billette, PCP). The minor amendment is for the reconfiguration of parking.

PETITIONERS PORTION:
Mr. Kerm Billette – I'm representing the owner Sam Shamaya regarding his property at 3200 Ten Mile Road. This is the 12th amendment to the plan, it has taken ever since May 30th, 2013 for the petitioner, Commission, and the Department to make up their minds on a final site plan. The final site plan here tonight we are requesting the approval of parking it's been changed from previously up towards the front of the property, all to the rear of the property for just the drivers. The driver's themselves leave their cars when they take the vans and large vehicles out. There are 12 parking spaces out in front of the property outside the fence and they don't feel as though their cars are safe if they're parked out there, they'd rather park in the back.

This is the final revision to the site plan. I will amend the plan to show the requirements that Ron Wuerth, the Planning Director that all of the items on the plan can be changed, it's just minor things on the drawing. The only thing we had to check for sure was the size of the compressor building here it's 17 feet 9 inches in length and when measured it was 17 feet 7 inches in length, there's two inches difference and I put that on the drawing. The other one is a cash bond all of the requirements have been met including putting the bumper blocks on the west side. There's parking spaces there for customers on the west side the bumper blocks were installed we'll have to move them I think they are 3 feet they should be 5 feet away from the property line. That's the final recommendation.

Secretary McClanahan reads the following correspondence:

APPROVED

TAXES: No Delinquent Taxes.
ENGINEERING: Preliminary review of the site plan yielded the following comments:

1. All existing and proposed utilities must be displayed on the site plan.
2. The site plan must clearly indicate the proposed building addition, the proposed outdoor storage area, and the existing building envelope.
3. The proposed acreage of disturbance shall be shown on the plan. If the area of disturbance exceeds one acre, then this site shall comply with the storm water ordinance.
4. Any improvements within the Ten Mile road right-of-way are subject to the approval of the Macomb County Department of Roads.

FIRE: Approved.

Mr. Ron Wuerth reads the recommendation of the Staff:
There is a note that I'll read. On September 12th, 2016 as a result of a planning staff inspection the Planning Commission voted to deny waiving the bond of $1200.00 dollars. There has been a noticeable investment on the site the asphalt was resurfaced, most parking bumper curbs have been installed, handicap parking sign is in place. The gates and the screen slates have been installed around the trash area and the catch basins have been cleared of debris. So with a statement of that sort I'd recommend that the bond be lowered to a $100.00 dollars

MOTION:
A motion was made by Commissioner Rob to recognize as a minor amendment, supported by Assistant Secretary Smith. A voice vote was taken and the motion carried unanimously.

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

COMMISSIONERS PORTION:
Assistant Secretary Smith – I just want to put into the motion to approve the reduction of the cash bond to $100.00 dollars.

Vice Chair Kupiec – Does anybody second that?

Commissioner Rob – Yes.

Vice Chair Kupiec – Thank you.

APPROVED

Commissioner Rob – I just wanted to say thank you for doing all this work. The original intention of the bond was so you can work on it and you did it thank you for working with us we appreciate it.

Vice Chair Kupiec – Mr. Billette I guess you talked to Mr. Wuerth regarding the recommendations and you're satisfied, he reduced the bond for you and everything seems to be acceptable to you, as far as the recommendations do you accept them?

Mr. Kerm Billette – Yes.

Vice Chair Kupiec – I've traveled in your area quite a bit and I was there previous to you and I was there when you first started and I do see a significant improvement. It's a clean looking operation, professional looking finally, and organized, and it looks like you're doing some business over there I'm glad to see that. I'm glad to see that you're finally making a success of it. It may have seemed like a lot of things to go through to get to where you're at but I think you've done a great job and I think you're making the city proud of you.

Mr. Sam Shamaya – Thank you.

ROLL CALL:
The motion carried as follows:

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

C. SITE PLAN FOR PARKING LOT EXPANSION FOR EXISTING RETAIL BUILDING: Located on the southwest corner of Van Dyke Avenue and Toepfer Road; 21647 Van Dyke Avenue; Section 33; Tina Meyer (Donna Delour). Expired Site Plan. Approved on September 24th, 2012. No work ever done.

Commissioner Rob – I have a question are we going to withdraw this right?

Ms. Caitlin Murphy – That is correct so under the ordinance it automatically expires, so you are just receiving and filing and

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acknowledging that it's expired and they will have to bring a new site plan.

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

ROLL CALL:
The motion carried as follows:

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

D. SITE PLAN FOR ASPHALT PARKING LOT: Located on the northeast corner of Eight Mile Road and Memphis Avenue; 7047 Eight Mile Road; Section 33; Ded Dedvukaj. Expired Site Plan. Approved on January9th, 2006. No work ever done.

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

E. SITE PLAN FOR NEW WAREHOUSE BUILDING: Located between Sherwood Avenue and Lawrence Avenue, approximately 100.10 ft. north of Lozier Avenue; Expired Site Plan. Approved on March 28th, 2008.

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

COMMISSIONERS PORTION:
Vice Chair Kupiec – Before we vote on this I'd like to ask a question of Mr. Wuerth. This same site plan with the same company was before us on item 6E I believe earlier tonight and we approved extending the existing bond was the bond the one attached to this site plan here?

Mr. Ron Wuerth – It was attached to this one and a site plan before that.

APPROVED

Vice Chair Kupiec – So this site plan that we are approving tonight that's expired that won't cancel out the bond will it?

Mr. Ron Wuerth – No.

Vice Chair Kupiec – The bond will stay in existence?

Mr. Ron Wuerth – It's just going to ride with the next one.

A voice vote was taken and the motion carried unanimously.

10. NEW BUSINESS
None at this time.

11. CITIZEN PARTICIPATION
None at this time.

12. PLANNING DIRECTOR'S REPORT
Just a rundown of a few days, there were just a few days because there was a vacation mixed in there with Thanksgiving. So to start with on the 9th I spoke to Matt Neuner of Neuner's Collision on Mound Road. It seems like they have a problem with how they have their open storage of all those vehicles back there on Mound Road. So they are going to have to come back for site plan approval and amendment to that site according to the Chief Zoning Inspector. We talked about it and it shouldn't be a problem. I did attend a staff meeting on the 9th. I also spoke to a Mike Gordon an Architect on the 9th having to do with a possible new residential development just off of Frazho Road and west of Schoenherr. In our quest to start getting more dwellings that are put together sort of speak an increase in dwelling count that's what we are going to be looking at.

There was some discussion about that I'll call it a shopping center it's on Twelve Mile next to Buscemis that shopping center west of Mound Road on the north side. They want to turn that into some type of shopping center so we will be looking at that soon. I attended a TIFA Meeting in which they had a very in-depth review and announcement of a new combination City Hall, Police and Library complex that will be located on Van Dyke Avenue north of Nine Mile on the west side. We have some property over there and I think it's very exciting and I think that's going to help bring our city together in total, especially having a little bit of City Hall down there. So we'll get that site plan coming to us maybe in six months we'll see how fast the architects can do this. They are the same

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architects who did the branch library on Ryan Road and that was very good.

Secretary McClanahan – Are any of the departments planning on moving down there?

Mr. Ron Wuerth – Do you expect to have a satellite Planning Department down there, is that what you're thinking. I'm not sure how that's all going to work out, they will have people manning it in certain ways. Then we had a meeting with some people from SEMCOG had a group in the Administration to discuss the bikeway, The Iron Bell Bikeway, that we are trying to run through this town. In the end here what we have to do is have a public hearing where we plan to put this bikeway and to get a feel for what the people think. It's not an approval by this Commission at this time we'll send out notices everyone that lives along the route and we'll have them come to City Hall and have an open meeting to discuss. We'll get their ideas and hopefully they like the way we think it should be, if not if there's alternatives we'll take those suggestions to it will be an open forum. That will be coming up and we'll let you know so if any of you want to attend and listen please do.

Vice Chair Kupiec – In traveling through various communities including up north have they ever talked about signage along the side of the road to verify and identify what you are up against as opposed to just paintings on the ground. Wherever you go it's primarily markings on the ground when the snow starts coming down you'll never see the markings on the ground.

Mr. Ron Wuerth – It's true there are markings you'll see white ones to show a picture of a bike rider, you'll see green painted where they want to keep you off the green area. But signage along Van Dyke where we do have our Bikeway from Eight Mile to Stephens it's on both sides and at every intersection there's a sign, so we do have signage.

Vice Chair Kupiec – Throughout the State of Michigan have other communities brought this subject up because if you go through Royal Oak you don't see any signage at all if you don't see it on the road you don't see nothing.

Mr. Ron Wuerth – I don't know what to say, that's Royal Oak. There probably should be more signage, I don't disagree. Certainly the sign code for the State of Michigan has signage for bike riding so they should be used in appropriate places. When we have this through our community, and we will, it will take the Engineering

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Department to take a look at it for spaces and where things should go. They are the design element and we are the Planning element so we'll talk about that with them.

Vice Chair Kupiec – Thank you.

Mr. Ron Wuerth – Okay I spoke to the owner of the gas station at Old Thirteen and Van Dyke and it looks as though they'd like a complete redo. Complete tear it all down and put up another gas station that fits a little bit better.

Vice Chair Kupiec – Shell is looking at doing this?

Mr. Ron Wuerth – Yes. I did have a meeting with the Chief Zoning Inspector regarding the Warren Trailer Park that is west of Ryan between Ten Mile and Frazho there's a new, I call it new it's been new for about ten years, they've had a road through there and they are finally starting to put trailers in there. The problem is there not utilizing the setbacks and spacing allocation that we have in our zoning ordinance so there will be a meeting tomorrow on that. It's a concern I'm not sure whether we are going to see a site plan on that or not we'll see. I also took a ride with Robert Gibb he's the Urban Planner I think he's an Architect also for Gibb and Associates who has been hired by the City. We drove Van Dyke from Stephens down to Eight Mile just looking at it and he getting ideas from myself and Tom Bommarito who is the TIFA Director regarding improvements and a plan for that whole area both sides of the road. So with that that's the end of my report.

Vice Chair Kupiec – I see that Michelle emailed us on this Bonanza coming up December 1st have you had any response as far as going?

Mr. Ron Wuerth – No, at this point it's myself and Michelle.

Vice Chair Kupiec – Now is the City picking up the tab for the entrance fee?

Mr. Ron Wuerth – Yes, for the four Officers here and if none of them wanted to go to it than it would be open to others on the Board and at this time no one seemed to be interested they probably have other things to do.

Vice Chair Kupiec – Is the offer still open or is it closed out now?

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Mr. Ron Wuerth – I'm not sure, one would have to contact them and I'm sure they'd be glad to have anyone that's interested attend. It's at the Lansing Center go on your computers or we will help you.

Vice Chair Kupiec – I'm sure you'll give us a good report when you get back.

Secretary McClanahan – I just wanted to say thank you to Mr. Pryor, he's a good man, he did his due diligence I know that. He is an asset to the city and wish him the best health. I will keep him in my prayers and thank him for his time on the Commission.

Vice Chair Kupiec – I likewise would like to support. That I thought a lot of him, I was hoping to look forward to him for a long time, and unfortunately his health started taking an effect on him. I'll keep him in my prayers and God Bless him I appreciate the service that he performed for us.

13. CALENDAR OF PENDING MATTERS

Vice Chair Kupiec – We don't have any pending matters I think we've been letting them slide I think after the first of the year we are going to have to look at them because there are some pending matters that we have to address. We'll get through the holidays first.

14. ADJOURNMENT

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

The meeting adjourned at 9:33 p.m.

_____
John Kupiec, Vice Chair

_____
Jason McClanahan, Secretary

Meeting recorded and transcribed by
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Mary Clark CER-6819
November 28th, 2016

APPROVED