

**MINUTES OF THE REGULAR MEETING OF THE CITY OF ROMULUS PLANNING
COMMISSION HELD ON MONDAY, AUGUST 20, 2018**

1. The meeting was called to order by Chairperson Freitag at 7:00 p.m.
2. Roll Call Showing: Jerry Frederick, Mike Glotfelty, Daniel McAnally, Dave Paul and Cathy Freitag

Excused: Edna Talon-Jemison and Celeste Roscoe

Also in attendance: Carol Maise, City Planner; Robert McCraight, Department of Public Safety Director and Christina Wilson, Planning Secretary

3. Motion by Zilka supported by Glotfelty to approve the agenda as presented.

Roll Call Vote: Ayes – Zilka, Glotfelty, Frederick, Workman, McAnally, Paul and Freitag. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. Comments from Public on Non Agenda Items
6. Public Hearings

A. RZ-2016-001; M & M Express Trucking Conditional Rezoning Agreement

Applicant: Sabbar Almgoter, Resident Agent
Mohammed Alhousseini, Operations Manager
Request: Conditional rezoning agreement amendment with new dates for improvement completion
Location: 27732 Ecorse (Parcel #80-004-02-0839-000)

(Action required: Hold a public hearing and make recommendation to the City Council)

B. PDA-2018-001; Metro Airport Center PDA (Planned Development Area) Agreement

Applicant: Judy Laporte, Detroit Metro Airport Center , LLC
Request: PDA agreement amendment to modify the review and approval process for new uses in the development
Location: 11100 Metro Airport Center (Goddard/Vining/Wayne Roads)

(Action required: hold a public hearing and make recommendation to City Council)

C. RZ-2014-005; D & G Building Conditional Rezoning Agreement

Applicant: Nino DiDomenico, D & G Building Co., Inc.
Request: Conditional rezoning agreement amendment to include additional restricted uses and remove provision that property will be developed for a single use
Location: 11457/11651 Hannan

(Action required: hold a public hearing and make recommendation to City Council)

7. Old Business

A. SPR-2017-036; D & G Building Co., Inc.

Applicant: Nino DiDomenico, D & G Building Co., Inc.
Request: Waiver to allow payment in lieu of construction of sidewalk along Hannan Road
Location: 11457 Hannan Road

(Action required: action on sidewalk waiver request)

8. New Business

9. PC-Cases Involving Advice or input from the Planning Commission

10. Reports

A. Chairperson

B. City Planner

1) Planning Department Status Report

11. Reports on Interest Designation

12. Communications

13. Adjournment

4. Approval of Minutes

A. Motion by Glotfelty supported by Workman to approve the minutes of the regular Planning Commission meeting held on July 23, 2018.

Roll Call Vote: Ayes – Glotfelty, Workman, McAnally, Paul, Zilka, Frederick, and Freitag.
Nays – None. Motion Carried.

5. Comments from Public on Non Agenda Items – None.

6. Public Hearings

A. **RZ-2016-001; M & M Express Trucking Conditional Rezoning Agreement**, requesting conditional rezoning agreement amendment with new dates for improvement completion located at 27732 Ecorse. DP #80-004-02-0839-000.

Mr. Almugoter, M & M Express Trucking, 27732 Ecorse, Romulus, MI 48174 stepped forward to speak.

- Ms. Maise gave the Planning Commission a brief explanation of why the applicant was before them noting that the conditional rezoning agreement that they entered into with the city a couple of years ago had expired since the applicant wasn't able to complete the improvements that were on the approved site plan.
- Ms. Maise explained that the applicant had a difficult time evicting one of their tenants, Crawford Crane, from their site. M & M was also able to purchase properties next to them and they have been working on those as well. She mentioned that if the commissioners had any questions on the parcels to the west, Robert McCraight, Director of Public Services, could address them.
- Ms. Maise stated that M & M Express was going to combine these properties with 27732 Ecorse and amend the conditional rezoning and make the project bigger but that didn't happen. Because the conditional rezoning agreement has time constraints and they didn't complete the required improvements they have to come back before Planning Commission and hold another public hearing and continue to City Council to get the new dates that were stipulated in the agreement approved. She noted that there are still some critical things that are missing that are needed to continue. M & M Express Trucking did get through engineering and a pre-construction meeting was held and they did pay two of their two deposits that they needed to get construction started however there is still a \$180,500.00 performance bond that needs to be posted, which has not been done. More importantly, there are a couple of outside agency permits that are needed; a Wayne County Soil Erosion permit, and a copy of and the Wayne County "C" (Construction) permit to work in the county right-of-way, which is ready to be issued but she understood that there is an issue with the liability insurance.
- Ms. Maise commented that the city wrote a letter and sent it by certified mail to the applicant and expressed that they needed to have these things done by this meeting or that the Planning Commission, after holding the public hearing and listening to comments from the public, would likely recommend denial to City Council and direct the Department of Public Services Director to issue cease and desist orders. Mr. Hitchcock, City Attorney also suggested that by court order the property can be declared a public nuisance if the commissioners decide to go that route.
- Chairperson Freitag asked Mr. Almugoter if he brought any of these items with him.
- Mr. Almugoter replied that Mohammed, Operations Manager, was supposed to bring these things and he had an emergency come up and he wasn't able to attend the meeting. He stated that as far as the permit, he knew that Wayne County requested a \$2,900.00 deposit and they gave that to the County, they are just waiting on the permit. He stated that he thought there was something about insurance but he wasn't completely sure.
- Chairperson Freitag commented that the company's track record hasn't been that good. These items were supposed to be turned in today in order for the Planning Commission to move forward on this project.
- Mr. Almugoter commented that all of this is out of their control. They are still in the process of trying to collect money from Crawford and the pending issues with Wayne County.
- Ms. Maise noted that the city has spoken with Wayne County on numerous occasions and the city's engineer has assured the city that it is all under the applicant's control. Applications have been submitted incomplete, money hasn't been paid and the "C" permit is awaiting a signature on the liability insurance before release. Two separate Wayne County offices have told the city that it is in control of the applicant.
- Mr. Hitchcock stated that he and the city have met with the applicant on several occasions and tried to spell out the requirements and the things that they need to do. It wasn't that the certified letter that was sent to them was out of the blue since there were multiple warnings that this

project was moving way too slow. It was clear that the problem was on their side as Ms. Maise indicated, so the city contacted Wayne County and as the applicant stated that they were just waiting on the County, which was the story that they were giving and their time has come and gone. He believes that the conditional rezoning agreement has a deadline of September 6, 2018.

Let the record show that an affidavit of first class mail has been shown and is on file.

Chairperson Freitag opened up the public hearing portion of the meeting for questions and comments from the public. She asked that if anyone wishes to speak to please step forward.

Raymond Redmond, 27703 New Castle, Romulus, MI 48174 stepped forward to speak.

- Mr. Redmond stated that he lives directly behind the M & M Express Trucking property. He's lived there for 63 years and has seen a lot of changes on this property. He also stated that the property needs to be cleaned up and that there are large containers that appear to have drain oil in them. There are a lot of them and he's not sure what they are allowed to store but if this is passed then there needs to be some regulation. They also make a lot of noise and these containers have been stacked up all summer and he's sure that MIOSHA and EPA have regulations and he wonders if he needs to place a call to these agencies. He also wondered if the Planning Commissioners will make some rules for the applicant before they open because they are at the rear of the property all hours of the night and on weekends with their air guns working on trucks and he wonders what is going to happen.
- Mr. McCraight commented that he knew that there were significant amounts of drums on the site early in the process and he was aware that some were cleaned up but if there are more, the Building & Safety Department will take another look. It's not typical practice to start enforcement when an applicant is working on a project. He wanted direction from the Planning Commission on the vision for this site.
- Mr. Redmond stated that the applicant is flooding out all of their neighbors. They are backfilling and adding dirt and their property is higher in grade than his, which is causing the flooding.
- Ms. Maise reminded the commissioners that the drainage issue was addressed a couple of years ago and the new site plan should remedy the flooding issues. She explained to Mr. Redmond that the applicant's site plan was approved a couple of years ago and they are operating now without current approvals. The applicant hasn't received their occupancy permit because they needed to do these improvements and storm water is one of them, which could correct the drainage but they just haven't done it yet.
- Mr. Redmond wondered how they were allowed to build a large parking lot without storm.
- Ms. Maise commented that it wasn't this applicant that built it, it was the previous owner. The applicant will improve this when they make their corrections.
- Mr. Redmond asked when that will happen.
- Ms. Maise stated that as of now the applicant is in default of the agreement and that's why they are here tonight to discuss what needs to happen next.

Kimberly Tomblin, 27773 New Castle, Romulus, MI 48174 stepped forward to speak

- Ms. Tomblin stated that she and her husband live directly behind the applicant's property and that they were the only ones that showed up for the meeting 2 years ago. She also stated that nothing has been done and her garage floods worse now than it ever has. They have had some loss of personal belongings that are gone and they still have headlights coming through their house at night. She is very concerned about the contents of the bins on the property because if one is punctured and it rains it's coming into her yard. She asked the commissioners if they would want this in their back yard. This has been on-going and when she and her husband

purchased their home the property was level with the neighboring properties. This is not the case anymore, the M & M Property is at least waist high now and when it rains it comes onto her property and floods her garage.

- Ms. Tomblin reiterated that she is very concerned about this and that it has been two years and nothing has been done. She understands that development takes time but, with the flooding, noise and the contents of the containers it is very bothersome to her and her neighbors. She added that one of the buildings that was not supposed to be worked out of is being used and they were not supposed to be working past dusk and they are and have been. She doesn't feel that she is being crabby, she has lived there for 23 years and she wants to be able to enjoy her yard. She also wants the applicant to have their business but she is entitled to some safety, her yard not flooding, and possibly being poisoned by what could be in those containers.

Chairperson Freitag closed that portion of the meeting and opened it up for questions and comments from the commissioners.

- Chairperson Freitag stated that the applicant is in default of their agreement and asked Mr. Hitchcock where they proceed from here.
- Mr. Hitchcock replied that if the Planning Commission denies the amendment the applicant's current agreement will lapse on September 6, 2018. The applicant was supposed to have the original plan completed by this date so, we would engage in enforcement, which would include issuing tickets and through the court we can have the property deemed a nuisance which will stop operations and the applicant has to clean it up. If they do not, the court could assign a receiver to do this and they will charge the applicant to clean up the property.
- Chairperson Freitag commented that one way or another the property will get cleaned up.
- Mr. Paul said that he can relate to the concerns of the residents and that M & M Express Trucking has dragged their feet on this project.
- Mr. Frederick remembers the meeting 2 years ago and the concerns that the neighbors had, particularly with the flooding and it was supposed to be addressed with a swale or ditch, which was supposed to run back out to Ecorse Rd., which is probably where the concerns come in with the county. The lighting was not supposed to be a nuisance and there was also supposed to be a limit on the hours of operation.

Motion by Glotfelty supported by Paul to recommend denial to City Council for an amendment to the conditional rezoning agreement for **RZ-2016-001/SPR-2016-003; M & M Express Trucking** located at 27732 Ecorse. This recommendation is based on the applicant not meeting the deadlines outlined in the conditional rezoning agreement.

Roll Call Vote: Ayes – Glotfelty, Paul, McAnally, Zilka, Workman, Frederick and Freitag. Nays – None. Motion Carried.

- Mr. Paul asked Mr. McCraight to please give a report back to the Planning Commission on what is discovered from the containers.
- Mr. McCraight replied that he would and noted that there were some containers cleaned up earlier this year and it appears that more have found their way back again. He will look into this and get back with the commissioners.
- Mr. McCraight also commented that the city had issues with the earth moving permit and the multi-family dwelling demolition permit.
- Mr. Paul wondered if the applicant was going to combine the properties.
- Ms. Maise stated that it was something that the applicant was initially going to do but they have not done it.

B. PDA-2018-001; Metro Airport Center PDA (Planned Development Area) Agreement, requesting a PDA agreement amendment to modify the review and approval process for new uses in the development located at 11100 Metro Airport Center (Goddard/Vining/Wayne Roads). DP #80-082-04-0017-000.

Judy Laporte, Property Manager for Metro Airport Center, 11100 Metro Airport Center, Romulus, MI 48174 and Don Peterson, Attorney for Metro Airport Center stepped forward to speak.

- Mr. Peterson stated that it's been 13 years since the initial PDA agreement and they have been very happy with the relationship that they have built with the city and noted that Ms. Maise and Mr. Hitchcock have been very helpful. They have met 2-3 times and are hopeful that they were able to address the city's concerns.
- Mr. Peterson commented that they are trying to lessen the burden on the city by trying to make it more workable and practical. They have tried to bring the PDA agreement up to date, the way that the city has been operating. He stated that when the PDA agreement was first enacted by City Council when the development wasn't finished. It has been complete for some time now and they have been able to learn what works through doing. With the new revised PDA there is a lot of reduction, a lot fewer pages and it's a lot easier to work with. Most importantly, they are trying to reduce the burden on City Council and city employees when a new use comes in and wants space they can go to Ms. Maise and find out if the use will be approved.
- Mr. Peterson commented that the revised PDA lists 80 different uses that are prohibited. There is also a list of uses that are permitted and came about with the help of the City Attorney and the City Planner.
- Ms. Maise noted that for those that were on the Planning Commission in 2009, they may remember how thick the document was. The PDA has stipulations right down to the number of trees for each of the units. The biggest struggle for the city has been when a reoccupancy is submitted and we looked at zoning compliance, which includes compliance with the development agreement. The approval process for a change in use is very burdensome in the current agreement. For example, the agreement includes square footage of use type and the process to change that for a new tenant sent them back through the Planning Commission and City Council just to change from a certain kind of industrial use or even to expand the square footage of the existing use. This new document cleans all of this up.
- Ms. Maise noted that what the applicant handed out tonight is an as-built plan, which was part of the agreement in 2009. There were a lot of waivers granted including number of parking spaces required, sizes of parking spaces, setbacks etc. that were part of this agreement but established as part of the development in the 1980's – 1990's. Some of the zoning ordinance standards have changed. Vining Road was opened and that changed a lot of setback dimensions for example.
- Ms. LaPorte commented that the as-builts have been updated but she is missing 2 and they are working on the parking lot addition.
- Ms. Maise informed the commissioners that she was aware that the as-builts would not be complete but as she mentioned in her report, ARC can handle the rest administratively.
- Mr. Hitchcock commented that the overall intent was to have a document that is much simpler to look at going forward to determine whether or not the use fits and is allowed.
- Mr. McAnally asked Ms. Maise how this change will streamline the reoccupancy process.
- Ms. Maise explained that all uses allowed per the agreement would be permitted as part of the reoccupancy review even if the amount or square footage of that use in a building changed from the original approval. The new as-builts and revised agreement will clear up any questions, including prohibited uses like outdoor storage, which is not allowed. This would not change anything that was approved back in 2005 with regard to uses allowed however it allows for changes in tenants without going back through the whole review process.

- Ms. LaPorte showed the original agreement to the Planning Commissioners.
- Mr. Glotfelty and the commissioners commented that Metro Airport Center always looks nice.

Motion by Paul supported by Zilka to recommend approval to City Council of the First Amendment to Planned Development Area Agreement, **PDA-2018-001; Metro Airport Center** located at 11100 Metro Airport Center conditioned upon the following:

1. Submittal of as-built plans or an amended site plan that reflects the current conditions of the development; all waivers approved on the original PDA site plan must be noted; and
2. Revisions to the PDA Agreement as determined needed by the City attorney

Roll Call Vote: Ayes – Paul, Zilka, Glotfelty, Frederick, Workman, McAnally and Freitag. Nays – None. Motion Carried.

- C. **RZ-2014-005; D & G Building Conditional Rezoning Agreement**, requesting a conditional rezoning agreement amendment to include additional restricted uses and remove provision that property will be developed for a single use located at 11457/11651 Hannan Road. DP #'s 80-074-01-0147-301 and 80-074-01-0147-303.

Nino DiDomenico, D & G Building Co, Inc., 30735 Cypress, Suite 600, Romulus, MI 48174 stepped forward to speak.

- Mr. DiDomenico stated that they are looking to clean up the current conditional rezoning agreement to allow more than one user on the site.
- Ms. Maise commented that Mr. Hitchcock drafted the agreement and they were thinking that there would only be one user originally but after a couple of meetings with Mr. DiDomenico and the development of two buildings that are not the same use, it was determined that the agreement needed to be amended. The amendment should also include that the following uses not be allowed on the subject site: automobile repair facilities, waste transfer stations, yard waste facilities, truck dealerships and vehicle and truck sales.

Let the record show that an affidavit of first class mail has been shown and is on file.

Chairperson Freitag opened up the public hearing portion of the meeting for questions and comments from the public. She asked that if anyone wishes to speak to please step forward. Seeing no one, Chairperson Freitag closed that portion of the meeting and opened it up for questions and comments from the commissioners.

Motion by McAnally supported by Glotfelty to recommend approval to City Council of the restated conditional rezoning agreement for **PC-2014-005; D & G Building Conditional Rezoning Agreement** located at 11457/11651 Hannan Road.

Roll Call Vote: Ayes: McAnally, Glotfelty, Frederick, Workman, Paul, Zilka and Freitag. Nays – None. Motion Carried.

7. Old Business

- A. **SPR-2017-036; D & G Building Co., Inc.**, requesting a waiver to allow payment in lieu of construction of sidewalk along Hannan Road.

- Mr. DiDomenico stated that during construction of the first building Wayne County had them construct a ditch. There was an AT&T utility box in the way and Wayne County wanted the

applicant to divert around the ditch. He reminded the commissioners that they also constructed the berm for the landscaping during this phase and when they were ready to construct the sidewalk the engineers staked it but the city sidewalk is going right through the ditch. If they were to bring it back onto their property they would lose a lot of the landscaped berm and this is causing dilemma so they are proposing payment in lieu of constructing sidewalk.

- Chairperson Freitag commented that it was a reasonable request.
- Mr. Frederick suggested putting a portion of the side walk in on the south side so that the bike path can continue on the west side of Hannan Road.
- Ms. Maise commented that Mr. Frederick had a good point and she noted the discussion of the applicant working with city staff on putting a “Welcome to Romulus” sign at the northwest corner of their property if the easement allows the room to do so.
- Mr. McCraight asked Mr. DiDomenico if he would have a problem with this.
- Mr. DiDomenico replied that he thinks it’s reasonable.
- Mr. McCraight suggested that it be handled administratively and the remainder can be paid in lieu of construction of sidewalk.
- Mr. Zilka commented that he believes that it would be a little dangerous because there is a fence blocking anyone entering from Northline Road and he is worried about the way that the trucks travel around the corner.
- The commissioners discussed where the bike path is located and Mr. McCraight commented that he can look into it further.
- Mr. DiDomenico asked Ms. Maise if this would be something that Wayne County would have to look at and approve and incorporate it with the entryway signage.
- Mr. McCraight commented that the City would make sure that the appropriate people review and approve it and update the board the outcome.

Motion by McAnally supported by Paul to approve **SPR-2017-036; D & G Building Co.** to concur with the City Engineer and waive the sidewalk along Hannan Road and allow payment in lieu of construction of sidewalk in the amount of \$27,575 to be paid to the Planning Department and to work with the city administration to look at the feasibility of extending a portion of sidewalk to access the bike trail at Northline and Hannan.

Roll Call Vote: Ayes – McAnally, Paul, Zilka, Glotfelty, Frederick, Workman and Freitag. Nays – None. Motion Carried.

8. New Business – None.

9. PC Cases Involving Advice or Input from the Planning Commission – None.

10. Reports

A. Chairperson

- Chairperson Freitag commented that she had attended a meeting earlier in the day held by Mayor Burcroff about the importance of passing the Police and Fire Millage and encouraged residents to attend one of many town hall meetings that will be held on this important city matter.

B. City Planner

1. Planning Department Status Report

- Ms. Maise asked the commissioners if they had any questions regarding Planning Department status report. She mentioned that there was a new submittal for site plan

review for a new industrial building on Oakwood and is hopeful that it will be on the next agenda. She updated the commissioners on a few other projects.

- Mr. Frederick inquired about a business on Goddard that was not on the report.
- Ms. Maise replied that it was a project from 2017 and wouldn't be on the report unless it was current year.
- Mr. Frederick commented that the archery on Huron River Drive appears to be vacated again.
- Mr. McCraight replied that he met with the owner on site last year with the Police and a young mechanical contractor bought the building with his father-in-law and they wanted to open a heating and cooling shop. The father became sick and the owner withdrew his application and he only has personal items stored inside.

11. Reports on Interest Designation – None.

12. Communications

A. Memo from Robert McCraight, Director, Department of Public Services regarding Environmental Protection Board, EPB180001; Penske Logistics LLC-Warehouse & Distribution Center, 15520 Wayne, requesting approval of use of anhydrous ammonia to support their refrigeration system.

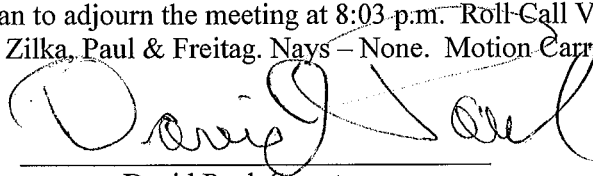
- Mr. McCraight stated that the reason this went to the board was because of the use of anhydrous ammonia; commonly referred to as R717, used in the industry as a large scale refrigerant because of the low temperature achieved and the amount that has to be on site. Because of the nature of the ammonia it went before the Environmental Protection Board for their approval and subsequently City Council. We ran it through the process and got unanimous approval from both. He stated that it is a closed loop system, pressure tested and charged with the R717. They follow both Fire and Building codes and all procedures are in place and heavily monitored through Building, Fire and ASHE.

B. City of Romulus – Notice of Intent to Prepare a Master Plan Amendment – Downtown and Vining Road Development Area Subareas

- Ms. Maise stated that this is something that the city has to do legally and notices have been sent out to the appropriate entities. She commented that the city is working on the subarea plans and a zoning ordinance overlay. She noted that the commissioners may receive drafts in September. Merrie Druyor, DDA Director, is working on the downtown plan and will be holding a public hearing first and both will run concurrently. Once the draft is ready the Planning Commission will make a recommendation to City Council to get it distributed. It looks as though it will get back to the commissioners in October or November.

13. Adjournment

Motion by McAnally supported by Workman to adjourn the meeting at 8:03 p.m. Roll-Call Vote: Ayes – McAnally, Workman, Frederick, Glotfelty, Zilka, Paul & Freitag. Nays – None. Motion Carried.



David Paul, Secretary
City of Romulus Planning Commission