

**MINUTES OF THE REGULAR MEETING OF THE CITY OF ROMULUS PLANNING  
COMMISSION HELD ON WEDNESDAY, FEBRUARY 20, 2019  
COUNCIL CHAMBERS**

1. **The meeting was called to order** by Chair Freitag at 7:00 p.m.
2. **Roll Call Showing:** Jerry Frederick, Cathy Freitag, Daniel McAnally, Dave Paul, Edna Talon-Jemison, Celeste Roscoe, Jessica Workman, Melvin Zilka

Excused: Mike Glotfelty

Also in attendance: Carol Maise, City Planner; Tim Keyes, Director of Economic Development; Brad Strader and Ann Marie Kerby, Planning Consultants (MKSK); Jessica Katers, Engineering Consultant (OHM); Stephen Hitchcock, City Attorney; and Robert McCraight, Director of Department of Public Services.

**3. Approval of Agenda:**

**Motion by Zilka, support by Workman,** to approve the agenda as presented.

**Roll Call Vote:** Ayes – Zilka, Workman, Roscoe, McAnally, Talon-Jemison, Frederick, Paul and Freitag. Nays – none. **Motion Carried 8-0.**

Agenda

1. Pledge of Allegiance
2. Roll Call – Frederick, Glotfelty, McAnally, Paul, Workman, Roscoe, Talon-Jemison, Zilka, Freitag
3. Approval of Agenda
4. Approval of Minutes
  - A. Approval of the minutes of the regular Planning Commission meeting held on January 23, 2019
5. Comments from Public on Non Agenda Items
6. Public Hearings
  - A. Zoning Ordinance Text Amendment – Section 7.05, Vining Road Subarea Overlay District
  - B. Zoning Ordinance Text Amendment –  
Section 6.02, Schedule of Uses – Central Business District  
Section 7.02, Schedule of Uses – Regional Center District  
  
(Action required: Review and make recommendation to City Council)
7. Old Business
  - A. RZ-2016-001; **M & M Express Trucking Conditional Rezoning Agreement**  
  
Applicant: Sabbar Almugoter, Resident Agent  
Mohammed Alhusseini, Operations Manager  
Request: Revised Restated Conditional Rezoning Agreement (Conditional Rezoning Amendment)

Location: 27732 Ecorse Road (Parcel ID #80 004 02 0839 000)

(Action required: review and make recommendation to City Council)

8. New Business

A. SPR-2018-030; **Charger Logistics**

Applicant: Bill Soor, Charger Logistics  
Gary Lamarand, Engineer  
Request: Trailer storage expansion  
Location: 28800 Highland (Parcel ID #80 050 99 0001 006)

(Action required: take action on site plan)

9. PC – Cases Involving Advice or Input from the Planning Commission

10. Reports

A. Chairperson

B. City Planner

- (1) MAP Workshops
- (2) Development Status Report

11. Reports on Interest Designation

12. Communications

13. Adjournment

**4. Approval of Minutes**

**Motion by McAnally, support by Paul**, to approve the minutes of the regular Planning Commission meeting held on January 23, 2019.

Roll Call Vote: Ayes – McAnally, Paul, Frederick, Talon-Jemison, Workman, Zilka, Freitag. Abstain – Roscoe. Nays – None. **Motion Carried 7-0-1 (Roscoe abstained).**

**5. Comments from Public on Non Agenda Items:** None.

**6. Public Hearings:**

A. **Zoning Ordinance Text Amendment – Section 7.05, Vining Road Subarea Overlay District**

(Action required: Review and make recommendation to City Council)

Planning Consultant Strader gave the background for this Zoning Ordinance Text Amendment:

- The area being discussed was east and west of Vining Road, north of the I-94 interchange and south of Ecorse Road. The area was currently planned for Regional Center (RC), which allowed for a wide variety of uses including restaurants, offices, different types of residential, entertainment, etc. Over the years several proposals had come forward, including horse race tracks, mixed-use developments, and so on. Some proposals had gone through lengthy approval processes, but had never been built.
- When Amazon came with their proposal for the southeast corner of Ecorse and Vining Road, the City Council and Planning Commission felt the Amazon fulfillment center was a good use to stimulate desired development, and the City worked hard with Amazon and the property owner to develop a site plan that would meet Amazon's needs while still supporting Regional Center on the rest of the site. At that time the City felt that the Amazon development presented an opportunity to look at potential boundaries for an overlay district that could include additional uses that might be allowed in this area.
- Subsequently there had been numerous meetings and workshops by the City Council and the Planning Commission, including reworking of draft language several times, to arrive at the proposed language that was the subject of tonight's public hearing.
- The intent of the Vining Road Subarea Overlay District was to allow additional uses while requiring higher design standards, emphasizing that if some uses were allowed that wouldn't normally be permitted under Regional Center zoning, the Overlay District would focus on:
  - The extent of truck traffic and the potential impact of that truck traffic on neighborhoods.
  - The continuing potential for developing Regional Center uses.
  - The potential traffic implications, including truck traffic, along Smith Road, Vining Road, and the I-94 interchange.
- Planning Consultant Strader showed a map of the Overlay District. The subdistrict **Light Industrial Center** on the east side of Vining Road would focus on uses that could best be accommodated by the infrastructure there, while offering positive impact on the Regional Center uses and the residential in the area.
- The subdistrict **Mixed-Use Campus** on the west side of Vining Road would allow similar uses to the Light Industrial Center, but the uses would be smaller and less intense in scale. The Mixed-Use Campus would have additional standards to preserve views and provide pathways along the lake.
- The **unshaded areas** of the map that were not part of the Light Industrial Center or the Mixed-Use Campus would remain under straight Regional Center zoning.
- The main difference between the two subdistricts was that buildings in the Mixed-Use Campus would have a maximum size of 125,000 square feet, while buildings in the Light Industrial Center would have a maximum size of 350,000 square feet.
- At previous meetings there had been requests by developers to open the area to additional warehouse and logistic uses. However, the current direction from the Planning Commission and City Council was not to open up the area to uses that would generate more truck activity than was desired.
- There was a provision in the draft ordinance that allowed an applicant who felt they had a use that was not specifically permitted in the Overlay District but met the intent of the Overlay, to provide a traffic impact study from a documented source that analyzed truck traffic as well as overall traffic. If the study showed truck traffic would be similar to Regional Center uses, the use could be considered.
- Planning Consultant Strader reviewed qualifying conditions for applicants to present proposals under the Overlay District requirements:

- Building size (up to 125,000 square feet west of Vining Road; up to 350,000 square feet east of Vining Road)
- Usable open space designated on at least 10% of the site.
- Preservation of prime woodlots or other natural features was incentivized.
- Dock doors and outdoor storage must be (1) located in the rear or side yard, (2) buffered from the RC District and residential areas, (3) 1 truck dock per 8,000 square feet of building footprint, and (4) outdoor storage limited to 70% of the total square feet of the building on the site.
- No unreasonable increase of current capacity of public utilities.
- Consistency with the Master Plan.
- Planning Consultant Strader reviewed area, height and placement requirements for the Overlay District. The maximum building height would be 38 feet, with an increase up to 55 feet permitted, assuming an increase per formula in setbacks and landscaping. Maximum lot coverage would be 30% and total impermeable surface 60%. The Planning Commission would have some flexibility for plans that offered outstanding amenities.
- Lake front properties would require a minimum 50-foot setback for open space. Parking and paved areas would have a minimum 75-foot setback from the high watermark of the lake. Additional standards would require pathways, and other amenities.
- Planning Consultant Strader said that OHM had provided General Development Standards for the Mixed-Use Campus, including (1) building design standards, (2) relationship between built and open space, (3) pedestrian pathways and shared use paths, and (4) landscaping.
- Planning Consultant Strader showed images that illustrated the building design, lighting, etc., that were desired for Mixed-Use Campus.
- Regarding circulation and traffic impacts, there were special requirements for internal roads and site access, along with the requirement for a traffic study mentioned earlier, with an analysis of the volume of commercial vehicles, impact on traffic operations at access points, and improvements that might be required.
- The Overlay included a review and approval process for development within the District, including the submission of a concept plan, site plan, and a potential development agreement.
- The Planning Commission did have the authority to grant certain waivers, providing some flexibility to allow for development that might not meet every standard, but would provide benefit to the City.
- Planning Consultant Strader reviewed changes to the Overlay since the last meeting:
  - Landscaping: the requirement for larger landscaping would be centered along greenbelt areas. Landscaping internal to the site would need to meet typical City standards.
  - Purpose: a provision was added specifying why permitted industrial type uses were limited to those that generated lower truck volumes.
  - Zoning Map: Boundaries were adjusted to include a portion of the property along the eastern border.
  - Accessory Uses/Storage Areas: Language was updated for dock doors and storage areas.
  - Change of Use: Site plan needed to describe the use fully. If a use intensified beyond what was approved, the use might be required to be reviewed by the Planning Commission.
  - Building and Site Standards: Maximum height was adjusted from 35 feet to 38 feet. Setbacks were updated to include parking and side yard setbacks.
  - Exterior Building Materials: A reference to Section 13.01 was added to emphasize additional building standards that applied to the Overlay. Durable and high-quality materials must be located on building frontage, corner articulations, and parts of the building that faced the RC or residential districts.

- Greenbelt requirements: Internal roads required narrower greenbelt depth and smaller minimum planting sizes.
- Open Space: Clarified this section to define “usable open space.”
- Approval process: Concept plan requirement, option for development agreement.
- Planning Consultant Strader showed photographs from Van Buren Township that illustrated one dock door per 8,000 square feet of building footprint.

As this was a public hearing, Chair Freitag noted that there was proof of publication in the City’s official newspaper and an affidavit of 1<sup>st</sup> class mailing regarding tonight’s hearing.

Chair Freitag opened the hearing for public comment.

Timothy Stoecker, Dickinson Wright, Grand Rapids MI, represented the Stronach Group, owners of the property east of Vining, north of Wick, and south of Smith. He made the following points:

- The Stronach Group had been marketing their property and had a potential buyer.
- The Economic Study commissioned by the City and presented to the City January 19, 2018, addressed the Vining Road Development District Economic Strategic Plan.
- The proposed zoning should include logistics and warehousing type businesses. The limitation of 350,000 square feet should be increased.
- The Industrial Overlay should be extended to Wick Road.
- Mr. Stoecker questioned the limitation on the number of dock doors.
- The inquiries received by the Stronach Group had been substantially related to logistical and warehousing type businesses. The data did not support the idea that those businesses created more truck traffic than other types of businesses. Peak traffic impact was less than other businesses such as retail, health care, etc.
- Reasonable traffic impact results, as determined by a traffic study, could be applied to logistic and warehouse-type uses.
- The Economic Study (p. 41) said one of the biggest threats to the development of this area was the lost logistics business opportunities. The proposed zoning ignored that statement in the Study.
- The Detroit Metropolitan Airport Master Plan identified the Stronach Group’s property specifically as ideal for logistics and warehouse-type businesses.
- The Economic Study set forth 5 goals:
  - 1) Grow new industry. The target industry analysis said the City should target manufacturing, transportation, distribution, and logistics. Mr. Stoecker said the City should focus attention on primary industry targets, including logistics as well as manufacturing.
  - 2) Design standards. Design standards could be met by a logistics building as well as other businesses and uses. Design façade criteria, landscaping, and setbacks could offset any perceived negative impact of a logistics or warehouse building. Also, the Stronach Group’s property was not near residential, and truck traffic could be routed onto Vining Road straight to I-94.
  - 3) To increase economic resilience, expansion of existing base, and attract businesses. Industrial and supply chain type businesses were suggested under this goal.
  - 4) Increase collaboration. Collaboration was encouraged, especially as that related to the Airport’s Master Plan, which spelled out certain objectives and targets, including fulfillment, logistics, warehouse, storage, transportation, and distribution.
  - 5) Residential development. Logistics and warehouse development would attract employees to the community and result in more residential development.

- Since the Stronach Group's property could be segregated from other properties in the Overlay through traffic control and directed truck routes, warehouse and logistics uses would not offer negative impact to the area and would not deter residential development.
- Warehouse and logistics businesses offered average salaries of \$55,000. Warehouse and logistics businesses provided one of the highest growth rates in the area: 17% increase from 2011 to 2016, with every indication that growth would continue.
- Overall for logistics, warehousing and supply chain businesses, payroll offered salaries from \$49,000 to \$110,000, according to the Economic Study.
- Mr. Stoepker emphasized that allowing those types of businesses would attract good paying jobs in a growth industry that was highly recommended by the Economic Study. Development could occur in a manner that would meet the design criteria. Truck traffic could be analyzed and directed.
- Instead of prohibiting logistics, transportation and warehouse uses, Mr. Stoepker asked that the uses be allowed, with conditions.
- Mr. Stoepker concluded that they felt the draft Overlay District was going in the right direction, but they would like for the uses just described to be allowed. The objective information given to the City in the Economic Study, which was commissioned by the City, supported their request.

Roger Kadau, 15207 Huron River Drive, Romulus, came forward to speak.

- Mr. Kadau said he had lived in Romulus for 60 years. The people who lived in Romulus needed entertainment, retail, etc., but those uses had been lost to manufacturing, logistics, and warehousing uses, which are located throughout Romulus. The area being discussed this evening was being preserved for retail, entertainment, and other uses that would support the citizens of the City.
- While warehousing and logistics uses might bring in employees, those employees would leave Romulus when their work day was finished to live in other communities, unless the City had amenities to offer them.

Brent Miles, Northpoint Development, Kansas City MO, came forward to speak. He made the following points:

- Northpoint Development was the potential land buyer mentioned by Mr. Stoepker earlier.
- Northpoint Development was the 2<sup>nd</sup> largest industrial developer in the United States.
- Mr. Miles appreciated the work that had gone into developing the Overlay District. He was in general agreement with the Overlay as described.
- Northpoint Development wanted a first-class business park as described this evening.
- Northpoint had proposed a \$170 million project that was 2,500,000 square feet.
- Northpoint supported the concept of a development agreement.
- Logistics businesses offered people in lower wage jobs, perhaps minimum wage jobs, the opportunity to earn significantly more, i.e., approximately \$22.00 per hour.
- Manufacturing facilities sometimes found it difficult to comply with design guidelines.
- Northpoint's proposed project would create 2,000 jobs.
- If the City's concern was traffic, that could be specifically addressed, without prohibiting the type of business Northpoint was proposing.
- Mr. Miles understood that the Commission had to answer to their neighbors when they met at community locations, such as a grocery store.
- The City should not think that most logistics businesses were similar to Amazon's e-fulfillment center.

- Mr. Miles asked that the Commission think about the definition of warehouse and logistics.
- Prohibiting warehouse and logistics businesses was a deal killer for Northpoint Development.

Tony Antone, Kojaian Companies, came forward to speak. He made the following points.

- Mr. Antone thanked the Commission and staff for their work on the Overlay District. He felt the City had listened to Kojaian Companies' earlier comments and studied the data they had submitted.
- Mr. Antone had served on the subcommittee that worked with the consultant regarding the Vining Road Development District Economic Strategic Plan.
- Mr. Antone said the conversation had always included a high-density product starting on Ecorse and then stepping down to the south. Now the Overlay called for light industrial north and south of Smith Road, yet Smith Road was the natural break to allow some of the other uses being discussed this evening.
- Kojaian Companies had property backing up to the 850,000 square foot Amazon building.
- Mr. Antone was not greatly concerned with the 350,000 square foot limit in the Light Industrial Center, because the Overlay did offer flexibility for the Commission to look at larger facilities that might have compelling reasons to locate in this area.
- Mr. Antone was concerned about not getting the "at-bats." If the Overlay represented that there would be no office, warehousing, or logistics at all, as landowners the Kojaian Companies would not be given the opportunity to talk with larger national uses, in order to bring them into Romulus.
- Mr. Antone asked the Commission to look again at the area north of Smith Road vs. the area south of Smith Road, and to give consideration to allowing larger uses to the north.

Seeing that no one else came forward to speak, Chair Freitag closed the public hearing for this agenda item and brought the matter back to the Commission.

- Commissioner Paul said that the Commission had discussed the square foot maximums at length, and the Commission had felt that a 350,000 square foot maximum for Light Industrial Center was a good balance that represented several viewpoints on the Commission. This was a well-discussed project, especially regarding logistics and large trucking companies.
- Commissioner McAnally said the Commission had come a long way regarding all the studies that had been done, and with all the work that had been done. The Commission was aware that whatever was recommended by the Planning Commission had to go to the elected body of City Council, who would then have to vote on the recommendation. Council had to answer to the people who voted for them.
- Commissioner McAnally noted the Commission had worked a long time on the language in the Overlay, and he was happy with what was presented this evening, and was satisfied with the work that had been done.
- Chair Freitag said that on the other side of the airport there was open land that was available for large warehouses, etc., yet everyone wanted to build in this one spot. She agreed with the Commission that residents did not want to see the big buildings and all the trucks, such as was seen in other communities. Such uses tended to be blighted in the long run.
- Chair Freitag said what the City wanted to see for this area was something that was pleasing and beautiful. The 125,000 square foot buildings in Mixed-Use Campus and the 350,000 square foot maximum in the Light Industrial Center were maximums agreed upon by the Commission.

- Chair Freitag reiterated that there was land in the City close to the train and airport where larger uses could locate.
- Commissioner McAnally referenced the comment made by Mr. Miles that the Commission had to answer to their neighbors when they met at the grocery store. Romulus did not have a major grocery store, and the residents wanted one. That was what they were trying to get.

Planning Consultant Strader made the following points:

- The comments made by the property owners referred to items debated by the Commission during the planning process.
- Regarding Mr. Stoeker's comments that the data did not support the idea that warehouse and logistics uses generated more truck traffic than other uses, the City had looked at that. Unfortunately, there was not a lot of good data on uses such as logistics and warehouses, so a provision was included in the draft ordinance amendment that for a particular use or site plan, an applicant could provide a traffic study and show comparative analyses. That information was simply not available from national sources.
- Regarding Mr. Antone's comments, past versions of the Overlay had included a Medium Industrial Center north of Smith, with a 500,000 square foot maximum building. Ultimately the Commission felt they did not want to make a distinction between the area north of Smith Road, and the area south of Smith Road.
- Planning Consultant Strader said that based on comments heard this evening, three questions needed to be addressed:
  1. Should the list of uses be broadened to include warehouse and logistics, with additional restrictions, east of Vining and north of Smith Road?
  2. Should the maximum building square footages be increased?
  3. Should more dock doors be allowed?
- Planning Consultant Strader noted that all 3 of these questions had been debated over the course of several meetings.

Chair Freitag asked for clarification as to what other uses would be allowed. Economic Development Director Keyes made the following points:

- The uses brought forward during public comment this evening involved transportation, distribution, and logistics, all of which were tied to the movement of product. Those uses would involve trucks.
- The Vining Road Development District Economic Study suggested advanced manufacturing, research and development, and office uses for this area. The Study did also suggest TDL (transportation, distribution, logistics) uses. However, the Commission had been very clear that TDL was not the direction they wanted to go.
- In response to a question from Chair Freitag, Economic Development Director Keyes said the speakers this evening were mainly requesting larger buildings that would allow for the movement of goods in and out of a facility via trucks.
- While there had been some comment regarding building size, the bigger conversation was regarding whether trucking uses should be allowed in the Overlay District, where trucking was the primary use of the building.
- Economic Development Director Keyes noted that TDL had been discussed a lot. As Planning Consultant Strader had said, it was difficult to understand the impact of trucking based on studies,

since those studies really didn't exist. One thing that was known was that truck traffic could not be equated with automobile or smaller vehicular traffic.

- The Commission had been concerned with the impact of additional trucks on the quality of life in the district.

Chair Freitag asked if there were any further comments from the Commission.

- Commissioner McAnally said that currently traffic was backed-up in the evenings for approximately ½ mile at Ecorse going north. That traffic was new and unusual, and complaints were being received. Truckers were not keeping promises to use certain approved routes. The Overlay worked hard to minimize that issue. While this might not make the developers happy, the Commission was also trying to keep the community happy.
- Economic Development Director Keyes pointed out that any new use – a mall, office, or warehouse - would increase traffic. What he had heard from the Commission was a concern about the type of traffic new development would bring.
- Commissioner McAnally said he did not want to see a lot of 18-wheelers in the area.
- Commissioner Roscoe felt that if the Commission opened certain doors consequences happened. They had opened up the area of Huron River Drive, and now there was significant daily truck traffic in an area that included private residential homes. While jobs were important, even more important was the fact that employees that filled those jobs had reasons to live in the community or stay local for after-hours entertainment. People did not want to live in a community that did not offer entertainment or other amenities. The City was running out of space to put entertainment; the area being discussed this evening could provide space for those things.
- Commissioner Roscoe also had experience with logistics companies, and felt that while claims could be made that truck traffic would be minimized, the truck traffic attached to that type of business was steady and significant. She would find it difficult to answer to residents who depended on her as a Commissioner, when truck traffic for approved businesses did not follow ordinances and did not follow routes they were supposed to be using. By the time those issues surfaced, the developers were long gone.
- Chair Freitag agreed. Currently there was truck traffic on Huron River Drive, which was not a truck route. People in the City were weary of trucks, which seemed to be everywhere.
- Commissioner Talon-Jemison responded to an earlier comment made by Mr. Stoecker, when he said the Stronach Group's property was not close to residential. Commissioner Talon-Jemison said that was incorrect. The property *was* close to residential. It was mentioned at one of the first meetings about this issue that there were residents in the Preserves of Romulus already complaining about the trucks, and residents were getting together to talk about building a wall. That was not something the City wanted to hear. The Commission had not anticipated this outcome from the Amazon development, and when they realized the extent of the truck traffic impact, they had worked to downgrade the rest of the Overlay area. The Commissioners did have a duty to the residents. Investors and developers came in and built, but they did not live here and did not have to live with the results of their developments. With the Mixed-Use Campus in the Overlay, condos could be developed, and that would be residential also.

Seeing that there were no other comments, Chair Freitag indicated she would entertain a motion.

**MOTION by McAnally, support by Paul**, that the Planning Commission recommend to City Council approval of Zoning Ordinance Text Amendment – Section 7.05, Vining Road Subarea Overlay District, as presented.

**Roll Call Vote:** Ayes – McAnally, Paul, Frederick, Talon-Jemison, Roscoe, Workman, Zilka, and Freitag. Nays – none. **Motion Carried 8-0.**

**B. Zoning Ordinance Text Amendment –**

Section 6.02, Schedule of Uses – Central Business District

Section 7.02, Schedule of Uses – Regional Center District

(Action required: Review and make recommendation to City Council)

City Planner Maise gave the background for the Zoning Ordinance Text Amendment to Section 6.02 Schedule of Uses – Central Business District and Section 7.02 Schedule of Uses – Regional Center District.

- These were minor amendments to the use tables for the Central Business and Regional Center Districts.
- There was a need to bring some existing uses in compliance with the ordinance, as well as a need to address some new uses that were desired for the district.
- Regarding Zoning Ordinance Text Amendment - Section 6.02 Schedule of Uses – Central Business District:
  - *Pet Daycare* was added as a use. This use went along with pet obedience training and grooming, and veterinary hospitals and clinics, all of which are allowed in this district.
  - *Contractors Establishments* were added as a use in the CBD-1 and -3 Districts only, with the condition that outdoor storage was prohibited. This is also an existing use in the district.
  - *Research Experimental and Testing Laboratories* were added as uses in the CBD-1 and -3 Districts only.
- Regarding Zoning Ordinance Text Amendment - Section 7.02 Schedule of Uses – Regional Center District:
  - *Kennels and long-term parking (park and bark)* was added as a use. This use would allow someone to have long-term parking in addition to a pet hotel. Both would be special land uses. Long-term parking is currently a special land use while commercial kennels would be a new use that is consistent with existing uses allowed (pet daycare, grooming, and training and veterinary clinics and hospitals).
- The use *Bath houses, saunas or business providing whirlpool baths, or mineral baths* was deleted since they are antiquated terms and now covered under *salons and health spas*.
- Other minor cleanup of the ordinance included changing some uses to permitted uses, for consistency with other districts in the ordinance, and to be compliant with the State of Michigan Economic Development Corporation’s Redevelopment Ready practices.

As this was a public hearing, Chair Freitag noted that there was proof of publication in the City’s official newspaper and an affidavit of 1<sup>st</sup> class mailing regarding tonight’s public hearing.

Chair Freitag opened the hearing for public comment. Seeing that no one came forward to speak, Chair Freitag closed the public hearing for this item and brought the matter back to the Commission.

**MOTION by Paul, support by McAnally**, that the Planning Commission recommend approval to City Council Zoning Ordinance Text Amendment – Section 6.02 Schedule of Uses – Central Business District and Section 7.02 Schedule of Uses – Regional Center District, as presented.

**Roll Call Vote:** Ayes – Paul, McAnally, Workman, Roscoe, Talon-Jemison, Frederick, Zilka, and Freitag. Nays – none. **Motion Carried 8-0.**

## 7. Old Business:

### 1. RZ-2016-001; **M & M Express Trucking Conditional Rezoning Agreement**

Applicant: Sabbar Almugoter, Resident Agent  
Mohammed Alhusseini, Operations Manager  
Request: Revised Restated Conditional Rezoning Agreement (Conditional Rezoning Amendment)  
Location: 27732 Ecorse Road (Parcel ID #80 004 02 0839 000)

(Action required: review and make recommendation to City Council)

Mohammed Alhusseini, Operations Manager for M & M Express Trucking, 27732 Ecorse Road, was present on behalf of this application to amend the Conditional Rezoning Agreement for the rezoning of 4.70 acres from M-1, Light Industrial to M-T, Industrial Transportation, to allow truck repair and tractor/trailer storage.

City Planner Maise noted that the Planning Commission had held a public hearing on the request to amend and restate the Conditional Rezoning Agreement on August 20, 2018 and recommended that the City Council deny the request. The request went to City Council twice, and both times Council tabled the request based on concerns with the condition of the property and the impact of the resultant blight on surrounding properties.

The property owner had requested the Commission re-open this request.

In response to a request from Chair Freitag, Director of Public Services McCraight reviewed the current situation on the subject site:

- City Council had not taken action on this request because they wanted to see some site improvements, and had given specific instruction as to what they wanted to be done. Those instructions included removing abandoned vehicles, making lighting changes, and moving fill that was installed without permits. The fill needed to be moved so that it was located 50 feet from the property line.
- As of February 13, 2019, no significant progress had been made, and Director McCraight could not make any recommendation to move forward on the site.
- The Department of Public Safety had issued a citation on 1-7-2019 for the continued occupancy without a valid certificate of occupancy; this was a pending court action.

The Chair opened the matter for discussion.

- A resident spoke about flooding on her property. When there was substantial rain, there was flooding over her entire back yard, and into her garage. The resident felt this was due to the runoff from the subject site.

- Chair Freitag asked if the resident had been approached by the applicant to find a way to resolve the problem. The resident said that no one had approached her.
- Commissioner Paul spoke about his disappointment in the project. Instead of cleaning the land, the applicants had placed trucks that had been stripped to the rear of the building, along with other items and debris.
- Commissioner Paul asked Mr. Alhusseini if he had engaged a civil engineer to do the drawings for water and sewer, so a permit could be pulled. Mr. Alhusseini said that had been done.
- City Planner Maise explained that the applicant's engineering plans had been approved. Everything was on hold until the status of the conditional rezoning agreement was resolved.
- Mr. Alhusseini explained that they were late on this project because they did not get permits from Wayne County until August 20, 2018. At that time they brought the matter back to City Council, only to discover that the rezoning agreement had expired.
- Regarding the flooding, Mr. Alhusseini said that their property also flooded when it rained. Underground detention should resolve this issue. Without permits they could not get started.
- In response to a question from Commissioner Paul, City Planner Maise said that the engineering submission was complete. However, the applicant also needed to pay the performance bond in the amount of \$180,500.
- Mr. Alhusseini thought the bond amount was too high. When the County charges were removed, the amount was reduced to \$64,000. He had tried to present a cashier's check in that amount but it was refused.
- Director of Public Services McCraight said the bond amount was set by City Council, based on a percentage of the cost of construction submitted by the applicant's engineer. Staff had reviewed that amount and found it to be accurate and commensurate with industry standards; the amount would not be reduced.
- Director of Public Services McCraight further explained that the City would not take a bond until the project was approved.
- Commissioner Paul said the big equipment in the front was removed, but the site was now being used for boat and RV storage, trucks stripped of motors, etc.
- Mr. Alhusseini said the items stored on the property were anticipating approval for the project to move forward. The stripped trucks represented equipment they had purchased back from the insurance company to use as parts.
- Director of Public Services McCraight explained that using stripped trucks for parts was a salvage use, which was not permitted on the site.
- Commissioner Paul asked if the applicant had expanded to the site to the west. Mr. Alhusseini said they had purchased property to the west, demolished the structures there, and completed a survey. They had not realized they needed an earth-moving permit; that permit had now been submitted. When that work was completed the two properties would be merged. They also had added the soil erosion permit from Wayne County for 27800 Ecorse Road to the one already obtained for 27732 Ecorse Road.
- City Planner Maise said the property to the west was zoned residential. The City had worked with the applicant by giving extra time when they purchased the property to the west, because the applicant indicated they were going to combine the two properties. However, the applicant had never brought an application to the City and there were remaining issues on the original site. The property to the west had to go through the normal rezoning process.
- Director of Public Services McCraight added that the applicant had expanded on the site to the west. Approximately 3 feet of millings had been installed there, and the applicants were using the site for trailer storage as well.

- Commissioner Paul said he had seen trucks stored on the western property; those were not permitted.
- Mr. Alhusseini said they had received and paid a citation. They had not understood they needed a permit to add fill to their own property.
- In response to comments from Commissioner Paul, City Planner Maise said that the two properties to the west were owned by the applicant and were zoned residential: the property with the trucking company which was the subject of conversation this evening, was zoned Light Industrial with M-1 uses permitted. The applicant had previously come to the Planning Commission to request a conditional rezoning to allow truck repair. The Commission had granted that request, but the applicant had subsequently defaulted on the agreement.
- Mr. Alhusseini said the agreement had been defaulted because of Wayne County's delay in issuing permits.
- Commissioner Paul reiterated that the property was blighted.
- Mr. Alhusseini said they had improved the property since they had purchased it. Once they received their permits they would construct pavement, underground detention, gates, etc. Currently their hands were tied. Every time they tried to do something they received a citation.
- Chair Freitag said that when the Commission visited the property and saw the junk and blight there, they became reluctant to give approval. The applicant had not lived up to prior commitments. Any delays caused by the County did not stop the applicant from cleaning up the site.
- Mr. Alhusseini said the yard was clean, except for the 3-4 trucks that were used for parts. They did not know those were not allowed.
- Commissioner Paul asked why the trailers and boats were on the site. Mr. Alhusseini said they all belonged to the applicant. If those items were not permitted they would be removed. The RV was on the property to house a person who watched the site.
- Mr. Alhusseini said that when City requirements were not met, it was due to lack of knowledge, not because of deliberate non-compliance.
- Commissioner McAnally said that even if the Commission took a chance on future compliance and approved the request, when the applicant went to City Council, Council would surely point out that the applicant did not do anything that Council instructed them to do. He doubted Council would approve the agreement when the applicant had not even made an effort to clean the site since the last time they were before City Council.
- Mr. Alhusseini asserted that the site was clean. Tonight was the first time he had heard about specific things that needed to be done, including removing dilapidated vehicles.
- Director of Public Services McCraight said that he had visited the site several times and had explained clearly what the City needed to see in terms of site clean-up, including dilapidated vehicles, trash and debris, fill that was brought in without a permit, and lighting being re-directed. Those things needed to be resolved before the Department of Public Safety felt comfortable for this application to return to City Council.
- Commissioner Paul summarized that Director of Public Services McCraight had been instructed by City Council to see that the clean-up work was done; obviously it was not done.
- City Attorney Hitchcock said the applicant was before the Commission in August. Shortly after that the applicant had received County approvals. Now it was February and the applicant was still blaming the County for the fact he had not completed the clean-up on the site.
- Commissioner Talon-Jemison said that the applicant had not done his due diligence in terms of purchasing the land without researching what was permitted and what was not permitted there. The Commission knew the applicant had spoken with the City regarding what was allowed on

site. Commissioner Talon-Jemison was concerned that that the applicant was still not accepting responsibility. She did not feel comfortable with moving anything forward until the applicant had completed his first obligations. The applicant was not accepting responsibility or accountability, and had not accomplished what had previously been required. To offer an excuse of “not knowing” was inadequate, as ignorance was not an excuse to violate the ordinance. When the applicant moved ahead to conduct business without a certificate of occupancy, he communicated that he did not acknowledge the City ordinance’s ability to regulate his actions. As a businessperson herself, Commission Talon-Jemison held other businesses accountable to know their own businesses and become a professional at their specific craft. That meant the applicant should know what was allowed and not allowed on their property. She would not support the application this evening.

- After further discussion, the consensus of the Commission was to give the applicant until the next Planning Commission meeting to resolve the issues outlined by Director of Public Services McCraight in his memo dated February 13, 2019:
  1. Pay the \$180,500 performance bond in accordance with the OHM review letter of 4-23-18.
  2. Remove all dilapidated vehicles i.e.: boats, trailers, campers, salvage vehicles from site.
  3. Trash debris and fill installed on site without permits also be either removed from the site or moved back at least 50 feet from the property line.
  4. Site lighting to be directed downward.
  5. Removal of any expansion on the adjacent property to the west, including trailers and millings, and that site be returned to its natural state.
- In response to a question from Commissioner Roscoe, Public Services Director McCraight said the citation for moving earth without a permit was paid. The City preferred the 2<sup>nd</sup> citation – for continued occupancy without a valid certificate of occupancy – remain open until the situation was resolved.
- Mr. Alhusseini said the issue involving the certificate of occupancy and the millings related to the new separate property, which had a completed survey, completed engineering plans, and an application for earth moving that had been submitted. That was different property than the property under consideration this evening; the two should not be mixed together.
- Commissioner Paul said the millings should not be on any property without approval from the Planning Commission and permits from the City.
- Director of Public Services McCraight said that it appeared there were millings on both sites. It was appropriate to require the removal of all millings because they were not a permitted use.
- Commissioner Maise agreed that a condition of moving forward for this application could be the removal of the millings on the residential sites.
- City Attorney Hitchcock further advised that the Commission should make it clear that the vehicles and boats could not just be moved to the property next door. The Commission should require removal of such items from all 3 properties.
- Commissioner Paul said that the applicant should also seek resolution of the flooding on the neighbor’s property.
- Director of Public Services McCraight said that moving the fill 50 feet from the property line might help with the flooding issue by freeing the greenbelt in the area to absorb some of the runoff. Once the site was developed the runoff should be resolved.
- Director of Public Services McCraight also noted that with the heavy equipment already on the site, 30 days should be sufficient to accomplish the requirements as stated.

Commissioner Paul indicated he was ready to offer a motion.

**MOTION by Paul, support by McAnally**, to postpone action on RZ-2016-001 M & M Express Trucking, located at 27732 Ecorse, until the next Planning Commission meeting, to give the applicant time to completely resolve the following issues:

1. Pay the \$180,500 performance bond in accordance with the OHM review letter of 4-23-18.
2. Remove all dilapidated vehicles, i.e. boats, trailers, campers, salvage vehicles, from site.
3. Trash debris and fill installed on site without permits also be either removed from the site or moved back at least 50 feet from the property line.
4. Site lighting to be directed downward.
5. Removal of any expansion onto the adjacent property to the west, including trailers and millings, and that site be returned to its natural state.

**And with the further understanding that:**

1. All removals required by this motion must be removed from the entire area, i.e., all adjoining sites, and that vehicles and debris cannot be moved from one neighboring site to another.

Chair Freitag called for discussion on the motion.

- Mr. Alhusseini asked that the \$180,500 bond be excluded from the 30-day requirement.
- Director of Public Services McCraight explained that a surety bond would be a portion of the \$180,500.
- Mr. Alhusseini asked for further information regarding surety bonds. City Attorney Hitchcock explained that the amount of a surety bond would depend on the company's insurability and the applicant's relationship with his insurance agency.
- City Planner Maise noted that discussions had been ongoing regarding next steps if the remedy stated in the motion did not work. While the City wanted to resolve things with the applicant, this issue had been ongoing since 2016, had been impacting neighbors, and if the applicant was not able to move forward as required, other action might be sought.
- Commissioner Roscoe noted that the applicant had been aware of the \$180,500 bond requirement since April 13, 2018.

Chair Freitag called the motion.

Roll Call Vote: Ayes – Paul, McAnally, Zilka, Roscoe, Workman, Talon-Jemison, Frederick, and Freitag. Nays – None. **Motion Carried 8-0.**

## 8. New Business:

### A. SPR-2018-030; **Charger Logistics**

Applicant: Bill Soor, Charger Logistics  
Gary Lamarand, Engineer  
Request: Trailer storage expansion  
Location: 28800 Highland (Parcel ID #80 050 99 0001 006)

(Action required: take action on site plan)

City Planner Maise gave the background for this application for trailer storage expansion. The property was purchased by the current owner in 2015. Occupancy and site modifications began and while some

permits were issued, a certificate of occupancy was not obtained. A site plan was submitted for review in September 2015 and conditionally approved by ARC subject to engineering review. Some of the proposed improvements were made but not in accordance with the approved site plan. Gravel was installed along with concrete dolly pads for trailer storage on the west side of the site. In order to bring the site into compliance for issuances of a certificate of occupancy, a revised site plan was submitted in December 2018 with a request to utilize gravel. The applicant had since modified the plan and was requesting approval of the expanded trailer storage area. The site plan was a modification from the one approved in 2015 which had expired. Since the trailer expansion was a 33% increase, Planning Commission review and approval was required.

Gary Lamarand, 11717 Pardee Road, Taylor MI, was present on behalf of this application for a trailer storage expansion for Charter Logistics. Andy Khera, President of Charger Logistics, was also present.

- Mr. Lamarand said he was brought to the project to address multiple violations on the property. All the zoning violations had been addressed, as well as issues of concern to the Fire Marshall.
- One outstanding issue was whether or not the fence was on the property line. As part of a second submittal to the Board of Appeals, a new survey would verify the location of the fence. The variance request would be for lot coverage; they were proposing 95% lot coverage when 75% was allowed.
- Trailers were being stored to the west. As part of the 2015 submittal, the owners had requested gravel for that area, but that was never approved. The applicants were now proposing concrete and curbing for the entire area with storm water drainage to tie in to the existing drainage system.
- The applicants were asking for a waiver from providing screening as required in Ordinance 11.17. Also, per section 13.04, they would like to make a payment in lieu of construction of sidewalk in the amount of \$495.00.
- The City was requiring that the stone that extended to the north, south and west property lines be removed and the area restored with vegetation, or a waiver from the Planning Commission be granted. The applicants were requesting a waiver for the stone on the north and south only, because as trailers backed up to the curb line, the trailers would overhang the curbing. Any vegetation planted in place of the stone would likely not survive. They could landscape the west area with a 15-foot greenbelt.
- The applicants would verify that the current storm system could handle the additional volume that was being proposed, as required by the Engineering review. Mr. Lamarand had been on site during various storm conditions; the current detention system appeared to be underutilized.
- Commissioner Paul said when he drove the site today he could not find manholes. He assumed that with the mud on site, some of the drainage was plugged up.
- City Planner Maise said the concern about trucks backing up was valid; however, the City was also trying to bring the percentage of lot coverage into greater compliance.
- Engineering Consultant Katers said they had recently reviewed the storm sewer system and had received the detention per the regional agreement. That agreement did not denote volumes that were assigned to each of the parcels that were detaining in that pond, so OHM was still looking for clarification as to whether or not the additional drainage from the paved area would be able to be handled. OHM thought that there probably was enough detention, but that needed to be verified.
- In response to a question from Commissioner Paul, Engineering Consultant Katers said there was more tolerant landscaping that could be installed that would tolerate parking lot maintenance conditions. As City Planner Maise had stated, with 95% lot coverage, the City was trying to find additional areas that could be landscaped in order to reduce that percentage.

- Mr. Lamarand reiterated that the stone could be removed from the west side and landscaping could be installed. Engineering Consultant Katers said that while that was a welcome change, it would not bring the site close to compliance with the lot coverage requirement.
- Commissioner Paul said something that could be planted on the north and south that would help with drainage without killing the vegetation would be preferable.
- Engineering Consultant Katers said systems such as rain gardens, infiltration trenches, etc., could be used. In terms of truck parking, the dolly pads could be moved so the trucks did not overhang onto the green space.

Chair Freitag asked for any further discussion.

- Commissioner McAnally asked the status of the outstanding issues listed by the Building Inspector and Fire Department.
- City Planner Maise said the Fire Chief was working with the applicant, and had been on site several times.
- Mr. Lamarand noted that the Fire Chief had sent a corrected letter dated February 1, 2019 that showed approval for the site plan.
- When Charger Logistics surveyed the property for the second BZA submittal, they would include the water main location.
- Director of Public Services McCraight explained that the Building Department issues were being addressed. The electric fence issue was being researched as to whether or not the contractor had state certification. If they did, the electric fence could be installed without a permit.
- In response to a question from Chair Freitag, City Planner Maise said the property taxes had been paid.
- Commissioner Paul said that when he drove the site today, it looked fairly clean.
- Commissioner Frederick noted that the assessor had an issue with the legal description of the parcel. Mr. Lamarand said that observation was correct, and the legal description had been updated for the next submittal.
- City Planner Maise said that one of the issues was that the business had outgrown the site. The company would be returning to the Commission for approvals for a new location.
- Mr. Khara gave some comments about his vision for future growth, and explained their plans for their future location.
- Commissioner McAnally said that his impression was the site plan was in much better shape than what the reports reflected. City Planner Maise said the site plan was in better shape than when it was first presented to the Commission. There were still some issues that needed to be resolved, but things were moving in the right direction. It was up to the Commission as to whether they wanted to see the application again after everything was cleaned up, or whether they wanted the remaining issues to be handled administratively.
- Commissioner McAnally said the applicants seemed to understand what the City was looking for. City Planner Maise agreed, and explained further how the decisions made tonight would impact the applicant's request for a variance from lot coverage requirements before the BZA.
- In response to a question from Commissioner Paul, City Planner Maise said the ordinance permitted 75% lot coverage; the site plan was showing 95% lot coverage.
- Engineering Consultant Katers asked if the applicants had calculated lot coverage if a greenbelt were provided along all the sides of the property. Mr. Lamarand said they did not have that calculation. Engineering Consultant Katers said that if the Commission approved the waiver for landscaping and allowed the stone to remain on the north and south sides, and if the property were then sold, a new owner should be held to the original lot coverage requirement, as they

might not have as heavy a use as the current one. A greenbelt should be required on all sides of the property when a re-occupancy occurred. By asking for a waiver and also requesting a variance for lot coverage, the applicants were putting the City in a position of never being able to require the green belt again. Especially since the City knew the company was seeking another location, putting the property in a useable situation for the next occupant was critical. A new user might not need the four rows of truck parking.

- City Planner Maise emphasized that the truck parking was put in without City approval. The original site plan brought to the City had been compliant. However, the applicant moved forward with further construction of a non-compliant parking area.
- Mr. Lamarand said a greenbelt on all sides might still be an option if plantings were identified that could tolerate the conditions of the site. In that event a waiver for the north and south borders would not be necessary.
- Mr. Lamarand said he thought the Engineer was requiring landscaping in order to reduce the amount of storm water runoff. If Charger Logistics could supply stone for the area, the result would be a permeable surface similar to what grass would be.
- Engineering Consultant Katers said that storm water management was a consideration. However, the city's Zoning Ordinance required a greenbelt. The City was looking for a reduction in the 95% lot coverage. It was not in the City's interest to move forward with this proposal, if the 95% coverage was locked in for future uses.
- Engineering Consultant Katers said a calculation should be completed reflecting greenbelts on the north and south.
- Mr. Lamarand corrected his previous statement, and explained that their calculations already did not include the greenbelt areas. Even with installing greenbelts on all sides, the request would still be for 95% lot coverage. They had assumed the stone was pervious surface.
- City Planner Maise explained that the definition of gravel included that material in lot coverage.
- Engineering Consultant Katers said she would work with the applicant to provide plant species for the greenbelt that would have a greater chance of living under the parking lot conditions as described.
- Commissioner Frederick wondered if language could be added that would limit a waiver to this tenant only.
- City Attorney Hitchcock said the plan actually showed 92% lot coverage.
- Commissioner McAnally wondered if the issue regarding permanent lot coverage relief could be worked out if the application were postponed for a month.
- City Planner Maise summarized that the waiver being requested from the Commission was for the use of stone. The variance request would be for lot coverage and to encroach on the setback, thereby increasing the nonconforming setback on the north and south sides. The Commission needed to decide whether they would allow stone in lieu of other landscaping requirements.
- The site as laid out had been done without City approvals. The east side was significantly overbuilt, going all the way to the lot line. That was why the space on the west had been important.
- If the Board allowed the stone, they could make a finding that if the Board of Zoning Appeals granted a variance for the encroachment, the use of stone would be acceptable.
- City Planner Maise said she felt getting a variance for 95% lot coverage would be difficult, especially since the use had gone on for so long and there had been significant code enforcement on the site.

Commissioner Paul indicated he was ready to make a motion.

**MOTION by Paul, support by McAnally**, to approve the request for trailer storage expansion for SPR-2018-030, Charger Logistics, 28800 Highland, Romulus MI, with the following finding and conditions:

1. If the Zoning Board of Appeals grants the setback variance, the use of stone on the north and south boundaries of the storage area is acceptable.
2. Waivers to the screening, sidewalk installation, and landscaping requirements of the ordinance are granted, with payment in lieu of construction of sidewalk in the amount of \$495.00.
3. Determination by the Building and/or Fire Departments regarding the location of the dumpster between trailers.
4. Verification of (1) approval of the cyclone fencing on adjacent property and (2) a permit for the electric fencing from the Building Department.
5. Ten (10) copies of a revised site plan be submitted.

Roll Call Vote: Ayes – Paul, McAnally, Frederick, Talon-Jemison, Roscoe, Workman, Zilka, and Freitag. Nays – None. **Motion Carried 8-0.**

**9. PC-Cases Involving Advice or Input from the Planning Commission:** None.

**10. Reports**

A. Chairperson

- Chair Freitag encouraged everyone to get flu shots.

B. City Planner

1. MAP Workshop was scheduled in Taylor on March 14, 2019. Anyone wishing to go should contact the Planning Office.
2. Development Status Report.
  - City Planner Maise reviewed proposals coming in for the March meeting.
  - Commissioner Paul said that he had seen approximately 15 trailers belonging to Falcon Transport Company parked on Harrison. Public Services Director McCraight said he was aware of this situation and was working to resolve it.

**C. Reports on Interest Designation**

- Commissioner Workman noted that this Saturday, February 23, was the annual dog and cat inoculations and city licensing at the Romulus Animal Shelter.
- The Black History bus tour was also this Saturday, February 23, featuring stops along the Underground Railroad.

**D. Communications:** None.

**E. Adjournment**

**MOTION by Zilka, support by Roscoe**, to adjourn the meeting at 7:56 p.m.

Roll Call Vote: Ayes – Zilka, Roscoe, Workman, McAnally, Talon-Jemison, Frederick, Paul and Freitag. Nays –None. **Motion Carried.**

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David Paul  
City of Romulus Planning Commission

/cem