

**MINUTES OF THE REGULAR MEETING OF THE CITY OF ROMULUS PLANNING
COMMISSION HELD ON WEDNESDAY, JANUARY 23, 2013**

1. The meeting was called to order by Chairperson Freitag at 7:00 p.m.
2. Roll Call Showing: Leroy Burcroff, Byron Butler, Michael Glotfelty, Diane Banks-Lambert,
Daniel McAnally, Melvin Zilka and Cathy Freitag
Excused: David Paul, Michael Prybyla
Also in attendance: Carol Maise, City Planner & Linda McNeil, Sr. Secretary
3. Motion by Zilka supported by Burcroff to approve the agenda as presented. Roll Call Vote: Ayes – Zilka, Burcroff, Lambert, McAnally, Butler, Glotfelty and Freitag. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of the minutes of the regular meeting of the Planning Commission held on Monday, November 19, 2012.
5. Comments from Public on Non Agenda Items
6. Public Hearings
7. Old Business
8. New Business
 - A. PC-2012-032; KRC Logistics, requesting waivers to the screen wall requirements and to allow a gravel parking and storage area, and approval to use barbed wire fencing for trailer and semi-tractor storage at 36300 Eureka Road.

The subject property is located on a 13.36+- acre parcel on the north east side of Eureka Road between I-275 and Huron River Drive. Parcel # 82-80-116-99-0001-700. Zoning: M2 -- General Industrial District. (Action required: Take action on waiver requests and on request to use barbed wire.)
 - B. PC-2012-036; Kirmin Industries, requesting approval to use barbed wire fencing to secure a 2,160 total square foot outside storage building at 36310 Ecorse Road.

The subject property is located on a .62+- acre parcel on the north east side of Ecorse Road between Wayne and Cogswell Roads. Parcel # 82-80-020-99-0003-000. Zoning: M-1 Light Industrial District. (Action required: Take action on request to use barbed wire.)
 - C. 2012 Planning Commission Annual Report; Pursuant to Public Act 33 of 2008, as amended, an annual report has been prepared detailing activity of the Commission during 2012. (Action required: Review and approve 2012 Planning Commission

9. 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
 - A. Minutes of the regular meeting of the Board of Zoning Appeals held on October 3, 2012.
 13. Adjournment
4. Motion by Lambert supported by Glotfelty to approve the minutes of the regular meeting of the Planning Commission held on Monday, November 19, 2012. Roll Call Vote: Ayes – Lambert, Glotfelty, McAnally, Zilka and Freitag. Abstain – Butler & Burcroff. Nays – None. Motion carried.
 5. Comments from Public on Non Agenda Items – None.
 6. Public Hearings – None.
 7. Old Business – None.
 8. New Business
 - A. PC-2012-032; KRC Logistics requesting waivers to the screen wall requirements and to allow a gravel parking and storage area, and approval to use barbed wire fencing for trailer and semi-tractor storage at 36300 Eureka Road.

The subject property is located on a 13.36+- acre parcel on the north east side of Eureka Road between I-275 and Huron River Drive. Parcel # 82-80-116-99-0001-700. Zoning: M-2 – General Industrial District. (Action required: Take action on waiver requests and on request to use barbed wire.)

Mr. Dave Hendriksen, KRC Logistics and Brad Brickel, Nowak & Fraus Engineers came forward representing the petitioner.

 - Ms. Maise stated that both of the petitioners before the Planning Commission this evening are requesting waivers only and the site plans are being reviewed by the Administrative Review Committee and do not require site plan approval from the Planning Commission.
 - Mr. Hendriksen stated that they are requesting three waivers this evening. The first one being a waiver to the screen wall requirements. On the east side of the property they will be installing tall evergreens which they believe will be more pleasing to the site than a wall. The second waiver will be to allow asphalt millings to be used on the west side of the property where the heavy

equipment will be traveling in and out on a regular basis. The third waiver is to allow the installation of barbed wire fencing, due to the pharmaceutical and retail products that are stored and distributed on site.

Chairperson Freitag opened the meeting up to questions from the commissioners.

- Mr. Glotfelty stated that he does not have an issue with the barbed wire fencing, but he does have an issue with the asphalt millings. The asphalt millings are a temporary use and over time the maneuvering of the vehicles will cause holes. He noted that the Fire Chief is requesting pavement and he supports his request. He finished by saying that he has a lot of experience in this field and with the wet sandy soil on this site he would really like to see pavement utilized.
- Mr. Hendriksen responded that pavement is utilized at their two other locations, both Grand Rapids and Munster, Indiana, and within a year's time the pavement crumbles and breaks down. The Romulus site has even a narrower turning radius between the building and the fencing, which will require more twisting and turning in that area. In their opinion, this will tear it up even quicker. They have beefed up the asphalt and included a heavy duty coating on top, and it just rips it up.
- Mr. Glotfelty stated that you need to start with a good base. The Romulus site is very sandy and wet and it needs to have a good base. The millings are simply a temporary fix that will require constant maintenance. He finished by saying that he has a lot of experience in this area and is supporting the Chief with regards to the request for a hard surface.
- Mr. Hendriksen stated that the Fire Chief has been on site two or three times, and it was his understanding that the Chief's concern was the leakage of fluids onto the asphalt millings. Should there be any leakage, which the petitioner will be very proactive to prevent, it will seep through the cracks in the hard surface as well, just as with the asphalt millings. The engineers have stated that the breakdown is caused from the constant traffic and turning.
- Mr. Glotfelty noted that typically when asphalt millings are utilized a 1 x 3 base is installed first and he feels that installing the millings on top of soil is a waste of time and effect and he does not care for it.
- Mr. Hendriksen replied that they have already installed a big base along with a fabric mesh.
- Mr. Zilka questioned whether the base was installed under the supervision of someone from the City of Romulus.
- Mr. Hendriksen answered that the millings were installed by an excavator and that there was no one supervising from the City of Romulus.
- Mr. Zilka questioned what type of base was installed underneath the millings.
- Mr. Brickel stated that the improvements have been in place for four months. The original plans that were submitted to the Building Department, as part of the re-occupancy, indicated the use of a twelve inch 21AA aggregate base with four inches of millings. Some undercutting was done to keep the fabric separated. Therefore, being that the millings had already been installed, there was not a plan to re-do what has been already existing for four months. He has a detail of the approval that was received by the Building Department.
- Mr. Zilka questioned how the leakage of fluids from the tractors would be addressed.
- Mr. Hendriksen answered that the maintenance staff will address any leakage problems that are reported by the drivers. He explained that the Department of Transportation requires an inspection of the tractors, by the driver, every post trip. Anything written up by the drivers will be addressed by the maintenance staff on hand.
- Mr. Zilka verified that any emergency leakage would be handled on a daily basis.
- Mr. Hendriksen answered yes.

- Mr. Zilka asked how the petitioner proposes to maintain the millings and whether they plan on keeping it graded.
- Mr. Hendriksen responded that they will have to keep it graded for safety purposes, so that it is not a hazard for the truck drivers.
- Mr. Burcroff stated that he has an issue with the fact that the millings are existing. There will have to be constant grading so it can be maneuvered on. He questioned how many times the millings have had to be graded in the four months that it has been utilized.
- Mr. Hendriksen answered that they have not had to grade it as of yet. When it was initially installed it was rolled and is pretty compact. He finished by saying that it was also compacted and has held up extremely well.
- Mr. Burcroff stated that when he visited the site it did not look that bad right now, however, it is certainly going to be an ongoing maintenance issue and is not a long term permanent solution.
- Mr. Glotfelty questioned whether the Planning Commission could put a stipulation on the approval that in the spring the petitioner pave it.
- Ms. Maise answered that the Planning Commission could put any condition on it that they want.
- Mr. Glotfelty noted that when the snow is plowed the millings will come up since the millings are not permanent.
- Ms. Maise mentioned that the city engineers are neutral on this issue as they felt the bigger issue was the Fire Department's concerns. The Fire Chief will do a more detailed review once the plans are submitted to the Building Department. She finished by saying that maybe through that process a compromise can be reached whether it be paving in the future or beefing up what is existing.
- Mr. Hendriksen stated that when the Fire Chief visited the site previously it was his understanding that the Chief's main concern was the dripping and leakage of the equipment. He is equally concerned with the waste run-off, and he explained issues he's dealt with at his other two facilities. He noted that they have yet to find a product that does not breakdown and crumble, whether it be asphalt or concrete, from the constant maneuvering of the vehicles.
- Mr. Zilka commented that he has seen the millings used over the years and he has seen good success with it but he has also seen not so good success with it. His opinion, due to the fact that the millings are already in place, is to let the applicant maintain the millings, with the understanding that any leakage of fluids will be monitored by the Fire Chief.
- Ms. Lambert stated that she agrees with Mr. Zilka, along with the fact that the project has already been recommended for approval by the Administrative Review Committee, to allow the use of the millings along with monitoring of the leakage of fluids by the Fire Chief.
- Mr. McAnally questioned whether Ms. Maise has had contact with the Fire Chief since the report dated January 11th.
- Ms. Maise stated that she met with the Chief Allison, Roberto Scappaticci from DPW and Marcus McNamara from OHM with regards to the millings last week, and the engineers agreed that the Fire Chief's concerns take precedence over any concerns that that engineers had with regards to the millings not holding up.
- Mr. McAnally questioned and verified that the Fire Chief's concerns still exist as strongly as of today.
- Ms. Maise answered yes.
- Mr. McAnally questioned whether the Planning Commission should table this project for tonight and see if some kind of compromise can be worked out.
- Ms. Maise stated that along with Ms. Lambert's suggestion of staff monitoring this project, they will also have a subsequent Building Review, once the petitioner submits plans for a building permit, where they may come up with a plan at that stage. If no compromise is reached during

the engineering review, then maybe there can be some provisions for monitoring to determine the best recommendation.

- Mr. McAnally commented that this is not a traditional site plan and questioned exactly what jurisdiction the Planning Commission has. The Planning Commission has heard a strong recommendation by the Fire Chief but is basically stuck in the middle.
- Ms. Maise answered that there is a strong recommendation from the Fire Chief and a neutral recommendation from both DPW and the city engineer. We weigh in on the Planning Commission's expertise and experience to possibly come up with a compromise or some type of monitoring to make this project work. It is unfortunate that the improvements were made before there was a review, but due to miscommunication between the applicant and the city, this did not get resolved before the millings were installed.
- Ms. Freitag stated that she likes the idea of monitoring the project, but questioned how that would be done and what the ramifications would be if the petitioner did not comply.
- Mr. Burcroff stated that he agrees and that he believes that the Fire Chief would have the same concerns whether the run-off was on a paved surface or not. He questioned whether the project could be approved conditioned up a report back from the Fire Chief at certain time intervals that would impact the waiver. That way we are not holding up their operation or putting a hardship on their business. The Fire Chief is the expert and knows what the DOT requirements are and if they are not meeting the requirements then the Chief can tell us that. He finished by saying that the inspections can be done by-annually.
- Mr. McAnally questioned if the Planning Commission would have any leverage should the Fire Chief come back at some point and say this is not working.
- Ms. Maise replied that you would be approving the waiver with the condition that monitoring will be done by the Fire Chief. All the aspects of the monitoring can be handled during the next phase of the engineering review. The Fire Chief may very well come back with a plan during that review that will work and be acceptable to the applicant.
- Ms. Freitag questioned whether the applicant would be receptive of something along those lines.
- Mr. Hendriksen stated that he would welcome the Fire Chief's input on all aspects of their business.
- Ms. Freitag stated that the Planning Commission wants what is safe for everybody, but we also do not want you to incur any undue expense.
- Mr. Burcroff stated that he does not have any issues with the other request for waivers and is happy that they are utilizing what was a vacant building.
- Ms. Maise stated that they have done a great job with the greenbelt with such a limited space.
- Mr. Zilka stated that whether you have asphalt or paving, with the constant turning around of the trucks, it is going to get torn up eventually. At least with the millings it will be much easier to grade. With the inspections that are required on the tractors by the DOT, he is sure that, if there are any leakage problems, the applicant will handle it in a timely manner.
- Mr. Glotfelty stated that had a soil engineer done a compaction test/density test showing 95% compaction he would support it. He is not happy about it and sees the millings as a temporary solution and does not agree with it. The work was done without any city or county inspections and he does not agree with that. The applicant can tell us whatever he wants but until a compaction test is done we will not know what we are dealing with.
- Mr. Hendriksen stated that the work was done as indicated on the site plan. He was present when the area in question was dug out and the work was completed. Unfortunately, as a new business coming in to the city, we did not know all the requirements. He finished by saying that they have learned a lot through this whole process.

- Mr. Glotfelty stated that the applicant can tell him anything he wants, but if he had something in front of him showing what they are dealing with, he would feel much better about it.

Motion by Burcroff supported by Zilka to recommend the following for PC-2012-032 KRC Logistics at 36310 Eureka Road:

1. A waiver to *Section 11.17(b)(3)* to the screen wall requirement around the trailer and semi-tractor storage areas.
2. The waiver to *Section 11.17(b)(6)* and *14.02(b)(1)* to allow asphalt millings rather than pavement conditioned upon a six (6) month and twelve (12) month written inspection by the Fire Chief so that the Planning Commission can determine if the asphalt millings are acceptable.
3. Approval in accordance with *Section 13.03(c)(2)* to allow the use of barbed wire on the fence conditioned upon the variance for the front yard setback being granted by the BZA.

Roll Call Vote: Ayes – Burcroff, Zilka, Lambert, McAnally, Butler & Freitag. Nays – Glotfelty. Motion Carried.

- B. PC-2012-036; Kirmin Industries, requesting approval to use barbed wire fencing to secure a 2,160 total square foot outside storage building at 36310 Ecorse Road.

The subject property is located on a .62+- acre parcel on the north east side of Ecorse Road between Wayne and Cogswell Roads. Parcel # 82-80-020-99-0003-000. Zoning: M-1 Light Industrial District. (Action required: Take action on request to use barbed wire.)

Mr. Thomas Mulawka, Kirmin Industries and Thomas Jonik, Custom Building Company, LLC came forward representing the petitioner.

- Ms. Maise stated that this petitioner is requesting a waiver to allow the use of barbed wire. They have already been to the Board of Zoning Appeals and received setback variances to allow the construction of the outside storage building. There are some challenges in regards to the sanitary sewer and the petitioner should be able to answer any questions with regards to that this evening.
- Mr. Jonik noted that Kirmin Industries is attempting to construct a storage building for dies that is required due to some additional business they have secured. Construction was started without a permit after the applicant visited the website and did not see anything requiring a building permit. When the Stop Work Order was issued, he submitted all the required plans and is currently working with the Administrative Review Committee for final approval. Mr. Jonik commented that Mr. Mulawka has been with Kirmin Industries for 34 years and is trying to take a non-conforming property and make it conforming by getting the variances required per the ordinance. One of the requirements per the ARC Committee, due to the fact that the subject site is zoned industrial and the adjoining properties are residential, is to add the fencing for screening. The barbed wire is being requested due to issues with theft and vandalism that is happening on site. Metal scrapers have gained access to the site and stolen scrap metal and dies from the exterior of the building that is not secured. The petitioner has contacted a fencing contractor who will fabricate brackets in the field, that will be decorative in nature, that the barbed wire will attach to. The vinyl fence will be installed in between the building and the existing chain link fencing which has existing barbed wire.

Chairperson Freitag opened the meeting up to questions from the commissioners.

- Ms. Freitag questioned whether there was just the one area that needed screening from the residential home that is a few hundred feet away to the one side.
- Mr. Jonik answered that was correct. All the residential parcels to the rear of the subject site are pie-shaped parcels that are a couple hundred feet from the subject site.
- Ms. Freitag stated that it looks like someone has been dumping back there.
- Mr. Jonik replied that Mr. Mulawka has been so kind as to clean it up and he is trying to do the right thing in the community and beautify the property.
- Mr. Burcroff thanked Mr. Mulawka for being a good commercial resident who is running a good business that continues to grow. Unfortunately scrapers are everywhere and are doing damage to existing businesses and abandoned buildings as well. He noted that it's unfortunate that you have to do this but he supports him and has no objection to the use of barbed wire.
- Mr. McAnally questioned Ms. Maise as to whether the mention of the sewer has anything to do with the barbed wire.
- Ms. Maise answered no, that it's a separate issue and that it was brought up only because a couple of the Planning Commissioners had questions about it.
- Mr. Jonik stated that the sanitary sewer hooks up to the front side of the building and the manhole is in the rear of the adjacent property. There is a 12-foot sewer easement with a 6-inch feeder line that goes to the west and terminates 150 feet from the manhole. With the proposed location of the storage building, the front post will run two feet into the easement. What the petitioner is proposing, should the DPW need to access the sewer, is to install a support member slightly back from the front corner beam, and remove the front corner support all at the petitioner's expense. Once the work is done and the ground is compacted, the petitioner will reinstall the timber which holds up the front end of the structure.
- Mr. Jonik continued by saying that Roberto, from the DPW, had asked for pictures of the structure so he could consult with the DPW Director. The petitioner is looking for creative solutions so that he can move forward with this project. He finished by saying that there is really no other location on site for the proposed building due to operational restrictions.
- Mr. Glotfelty questioned whether there are any drawings of the proposed barbed wire fencing due to the fact that he has never seen it on vinyl before.
- Mr. Jonik stated that the fence company would simply fabricate a bracket that would be installed on each terminal post and have the correct tension for the barbed wiring.

Motion by Lambert supported by Burcroff to approve in accordance with *Section 13.03(c)(2)* the use of barbed wire on the vinyl fence for PC-2012-036; Kirmin Industries at 36310 Ecorse Road upon determination that the barbed wire is needed for security and it will not negatively impact the surrounding residential properties and the approval is conditioned upon administrative approval of the site plan.

Roll Call Vote: Ayes – Lambert, Burcroff, Zilka, McAnally, Butler, Glotfelty & Freitag. Nays – None. Motion Carried.

C. 2013 Planning Commission Annual Report. (Action required: Review dates and make a motion.)

Motion by Zilka supported by Glotfelty to approve the 2013 Planning Commission Annual Report as submitted. Roll Call Vote: Zilka, Glotfelty, Butler, McAnally, Lambert, Burcroff & Freitag. Nays – None. Motion Carried.

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

10. Reports

A. Chairperson

- Ms. Freitag wished everyone a Happy and Prosperous New Year.
- Mr. Burcroff gave a brief summary of the annual Dr. Martin Luther King Day Celebration on Monday, January 21, 2013. The walk started at the Romulus Middle School and concluded at the Romulus High School with a pancake breakfast sponsored by the Romulus Rotary. Even though the weather was cold, there was a very good turn-out including a lot of kids. He finished by thanking all the people and entities involved that made the event such a success.

B. City Planner

- Ms. Maise stated that there will be a Planning Commission meeting next month for a Subway Restaurant located near Middlebelt and Hildebrandt.

11. Reports of Interest Designation – None.

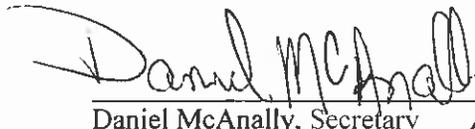
12. Communications

A. Minutes of the regular meeting of the Board of Zoning Appeals held on October 3, 2012.

13. Adjournment

Motion by Burcroff supported by Zilka to adjourn the meeting at 7:49 p.m. Roll Call Vote: Ayes – Burcroff, Zilka, Lambert, McAnally, Butler, Glotfelty and Freitag. Nays – None. Motion Carried.

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Daniel McAnally, Secretary
City of Romulus Planning Commission