

**MINUTES OF THE REGULAR MEETING OF THE CITY OF ROMULUS PLANNING  
COMMISSION HELD ON MONDAY, AUGUST 20, 2012**

1. The meeting was called to order by Chairperson Freitag at 7:00 p.m.
2. Roll Call Showing: Melvin Zilka, Byron Butler, Daniel McAnally, Michael Glotfelty, Diane Banks Lambert, Michael Prybyla, David Paul and Cathy Freitag  
Excused: Leroy Burcroff  
Also in attendance: Carol Maise, City Planner, Kevin Watts, City Attorney & Linda McNeil, Sr. Secretary
3. Motion by Zilka supported by McAnally to approve the agenda as presented. Roll Call Vote: Ayes – Zilka, McAnally, Lambert, Butler, Prybyla, Paul, 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, June 18, 2012.
5. Comments from Public on Non Agenda Items
6. Public Hearings
7. Old Business
  - A. PC-2011-001; Ryder Truck Rental, requesting a 1-year extension of Planning Commission site plan approval for a proposed used truck center located on a 6.93+- acre parcel on the southeast corner of Middlebelt Road and Smith Road. Parcel #'s 82-80-047-99-0007-701, 82-80-047-99-0006-702, 82-80-047-99-0011-701. Zoning: C-3, Highway Service District and M-T, Industrial Transportation District. Planning Commission granted site plan approval on February 23, 2011. (Action required: 1-year extension of site plan approval.)
  - B. PC-2012-005/006; Romulus Village, requesting a modification to an approved site plan to waive the parking lot setback and landscaping requirements between commercial uses in accordance with Section 7.04(b)(5) of the Zoning Ordinance. Property located at 39325 Ecorse Road. Zoning: C-3, Highway Service District. Planning Commission granted conditional site plan approval on June 18, 2012. (Action required: Site plan review of revised site plan and consideration of parking lot setback and landscape requirement waiver.)
8. New Business
  - A. PC-2012-017; Airport Park Condominiums requesting preliminary and final condominium site plan approval to split an industrial subdivision into 22 condominium units located on the

east side of Middlebelt between Wick and Hildebrandt Roads. Zoning: M-T – Industrial Transportation. (Action required: Preliminary and final site plan review and recommendation to City Council.)

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

13. Adjournment

4. Motion by Paul supported by Glotfelty to approve the minutes of the regular meeting of the Planning Commission held on Monday, June 18, 2012. Roll Call Vote: Ayes – Paul, Glotfelty, Prybyla, McAnally, Lambert and Freitag. Nays – None. Abstain – Butler, Zilka. Motion carried.

5. Comments from Public on Non Agenda Items

- Carolyn Bullock, from Waynecourse Church of Christ came forward and stated that her congregation is in the process of purchasing a new site and would like to know what her congregation can do to make a more positive contribution to the community. She finished by inquiring about a copy of the Ordinance.
- Ms. Freitag recommended that she set up an appointment to meet with Ms. Maise in regards to obtaining a copy of the Ordinance and any issues in regards to her proposed site. She finished by saying that she is looking forward to working with Ms. Bullock.

6. Public Hearings - None

7. Old Business

A. PC-2011-001; Ryder Truck Rental, requesting a 1-year extension of Planning Commission site plan approval for a proposed used truck center located on a 6.93+- acre parcel on the southeast corner of Middlebelt Road and Smith Road. Parcel #'s 82-80-047-99-0007-701, 82-80-047-99-0006-702, 82-80-047-99-0011-701. Zoning: C-3, Highway Service District and M-T, Industrial Transportation District. Planning Commission granted site plan approval on February 23, 2011. (Action required: 1-year extension of site plan approval.)

- Mr. Prybyla questioned what date the extension would be good from.

- Ms. Maise explained that with the latest update to the Ordinance all Planning Commission approvals would be good for eighteen (18) months. She finished by saying that any extensions on Planning Commission approvals can only be granted for twelve (12) months at a time.

Motion by Zilka supported by Paul to grant PC-2011-001; Ryder Truck Rental, a 12-month extension of the site plan for a proposed used truck center located on a 6.93+- acre parcel on the southeast corner of Middlebelt Road and Smith Road. Parcel #'s 82-80-047-99-0007-701, 82-80-047-99-0006-702, 82-80-047-99-0011-701. Zoning: C-3, Highway Service District and M-T, Industrial Transportation District. Roll Call Vote: Zilka, Paul, Glotfelty, Lambert, McAnally, Prybyla, Butler & Freitag. Nays – None. Motion Carried.

- B. PC-2012-005/006; Romulus Village, requesting a modification to an approved site plan to waive the parking lot setback and landscaping requirements between commercial uses in accordance with Section 7.04(b)(5) of the Zoning Ordinance. Property located at 39325 Ecorse Road. Zoning: C-3, Highway Service District. Planning Commission granted conditional site plan approval on June 18, 2012. (Action required: Site plan review of revised site plan and consideration of parking lot setback and landscape requirement waiver.)

Mr. Frank Jarbou came forward representing the petitioner.

- Ms. Maise explained that when this project received Planning Commission approval back in June, one of the conditions of approval was for the petitioner to combine the five parcels that comprise this development into one parcel. The petitioner is now requesting to split the development into three separate lots which will create some non-conformities if split into three separate lots. She went on to explain that Section 7.04(b)(5) of the Ordinance allows the Planning Commission to grant waivers to parking setback requirements and landscaping requirements for cases like this where access and parking are being shared.
- Ms. Maise also explained that a second waiver is required for the land banked parking. The Planning Commission approved the site plan based on 37 spaces behind retail number two being deferred or land banked for future consideration. She noted that the revised site plans that were submitted had some calculations that were a bit different and Mr. Jarbou will be addressing that. She finished by saying that waivers are the only items that are up for consideration tonight and everything else that is underlined in the report will need to be addressed on a revised plan or will be transmitted to the Building Department as the conditions of approval.
- Mr. Jarbou explained that the reason for the change to the plans regarding the three parcels is simply due to financing. He went on to say that if the property was financed as a whole then it would blanket the rest of the development, and alternative financing would not be an option in regards to owner/occupied versus investment real estate. He continued explaining that the owner/occupied gas station would be financed separate from the other two parcels which would be financed as investment real estate, and the fourth parcel was given to Wayne County as part of the right-of-way. He stated that he is working with Carol and the attorneys on the reciprocal easement. He went on to explain that the reciprocal easement means that three parcel owners work together as one in regards to maintenance issues.
- Ms. Maise stated that the agreement that Mr. Jarbou is referring was included in your packets and will be handled during the engineering review.
- Mr. Jarbou noted that in these challenging times, the lot split is necessary order to get this project financed. It also allows for a future purchase of one of the parcels.

- Ms. Freitag questioned Mr. Jarbou as to whether he anticipates selling off the other two parcels.
- Mr. Jarbou answered no, that he would like to keep all three parcels but he explained that if someone like Taco Bell or Tim Horton's wants to buy the property, he would certainly do that in order to get the deal done. He finished by explaining that the reciprocal agreement holds all three parcel owners responsible for any and all maintenance issues regarding this property just as if it was a condominium association.
- Mr. Prybyla questioned whether all three parcels would be subject to the approved site plans for future development.
- Ms. Maise answered that any future tenants would be bound to the approved site plan. She continued by stating that any changes to the approved site plan would require that they come back to Planning Commission for approval. She finished by asking Mr. Jarbou whether he anticipated any changes.
- Mr. Jarbou answered no. He stated that the only changes may be to the façade depending on who the tenants/owners of the other two retail buildings may be.
- Mr. Prybyla stated that he is just trying to cover all the bases. He went on to say that Mr. Jarbou stated previously that there would be no changes but yet is here again requesting a change to the site plan this evening.
- Mr. Jarbou stated that the reason he is here tonight requesting the change is 99% due to financing.
- Mr. Paul questioned whether the fourth parcel going to Wayne County is for the road right-of-way.
- Mr. Jarbou answered yes.
- Ms. Freitag questioned whether Mr. Jarbou had received a copy of the Planner's report and if he had any problems with any of the items listed.
- Mr. Jarbou answered that the only item he had comment on which he previously noted was the Department of Public Works condition requiring that the petitioner not retain water off site. He finished by saying that he would like the option of working that out through the engineering review by either installing a culvert or putting in a swale.
- Mr. McAnally questioned how the splitting of the parcels would affect the landscaping.
- Mr. Jarbou answered that there would be no change to the landscaping and that the agreement would require all owners to abide to the approved site plan.
- Ms. Lambert questioned Ms. Maise as to whether Mr. Jarbou's statement was true.
- Ms. Maise answered that the landscaping will be as approved and should a tenant doesn't like what was approved, they would be required to come back to the Planning Commission for a revision, just as they would if there is a change to the façade due to a particular franchise requirement.
- Ms. Freitag stated that the confusion may come with the requirement of the landscape waiver.
- Ms. Maise explained that there is a buffer requirement between two uses, and because the parking setback is being waived the buffer requirement is being waived as well. She finished by saying that in the setback area there are landscaping requirements and they go together so it is a waiver to both requirements.
- Mr. Jarbou stated that it is not less landscaping just shared between both parcels.

Motion by Paul supported by Lambert to approve the request to waive the parking lot setback and landscaping requirements between Parcels A, B and C for Romulus Village conditioned upon the applicant revising the site plan as noted above prior to review of the special land use requests by the

City Council. Roll Call Vote: Ayes - Paul, Lambert, Glotfelty, Prybyla, McAnally, Butler, Zilka & Freitag. Nays – None. Motion Carried.

## 8. New Business

- A. PC-2012-017; Airport Park Condominiums requesting preliminary and final condominium site plan approval to split an industrial subdivision into 22 condominium units located on the east side of Middlebelt between Wick and Hildebrandt Roads. Zoning: M-T – Industrial Transportation. (Action required: Preliminary and final site plan review and recommendation to City Council.)

Alan Greene, Attorney and Tom Civitanova, First Industrial, came forward representing the petitioner.

- Mr. Greene stated that First Industrial has owned this property for many years as a fully developed industrial park with 22 buildings. The buildings are all under single ownership at this time with about a 60% occupancy rate. First Industrial has been making a considerable investment over the last few years by upgrading roofs and they do have a time frame in which they plan on replacing all of the pavement and parking along with new lighting and fire suppression. He continued by stating that due to the current market, First Industrial is doing everything possible to make this property more marketable. The plan to condominiumize came about from potential tenants who expressed the desire to own their own building as opposed to renting. He noted that buyers take better care of their buildings and make economic investments in their buildings which First Industrial hopes will improve the occupancy of the park. This will improve the value of the buildings and make the park more attractive. Mr. Greene continued by saying that First Industrial is not proposing any further development and they have been working with the City staff to get through the site plan process. They have submitted a site plan and the condominium documents required in order to subdivide the property. He noted that the petitioner is simply changing the ownership structure of this property. Mr. Greene commented that throughout this process, both the city and First Industrial have received substantial benefits since there was no site plan on file, none of the engineering or data on the property was available. The petitioner has spent considerable time and resources to compile all these documents along with utility easements and setback lines so at the end of this process there is an accurate site plan. He continued by saying that they are identifying key issues and addressing these issues as best they can without redeveloping the entire site. One of the issues is fire access and fire lanes, which needs to be addressed without interfering with the day to day operations of the development. He went on to say that the management of the operations will be put into the condominium documents so that there are maintenance obligations along with improved site circulation. Right now anybody can park anywhere, however once a building is purchased, the owner will have designated parking, truck dock and storage areas for that building. The remaining areas will be common areas, such as the roadways, and there will be limitations as to what can be done in the common areas. In closing, Mr. Greene stated that this is an existing warehouse distribution operation and they hope that this process will not interfere with the day to day operations making it non-operational. They have received the review letters and met this afternoon with the petitioner's engineer and the city staff, they feel they have addressed all the issues and have a plan of action as to how those comments can be addressed.

- Ms. Freitag stated that this is a very unique concept that could open the doors for other industrial condominium parks.
- Mr. Greene stated that he has only ever done one other project like this in the City of Southfield. It was the Prudential Towne Center that was very large in size, with multiple office buildings but it was one property, one project. He worked with the ownership at the time and the City of Southfield to divide it so that each building was a condominium unit. This ultimately allowed greater value for the property. He continued by saying it addressed basically the same issues that we are having with this First Industrial property such as the fire issue and making sure that there is access and that there are condominium documents in place to provide the rights that the city needs.
- Ms. Freitag questioned whether the existing tenants have been approached about this concept.
- Mr. Civitinova answered yes they have.
- Ms. Freitag questioned whether any of the existing tenants are interested in purchasing their buildings.
- Mr. Civitinova answered yes, but at the right price of course. He continued by saying that in the trucking and air freight business, some clients are typically buyers and some are typically renters. He noted that a lot of the mom and pop type businesses are going to look at what is best for them but First Industrial did have one client approach them about six months back, which is why they are going through this process now. He finished by saying that unfortunately, the timing was not right for that particular client and they ultimately ended up buying a property in the City of Taylor, but First Industrial has spoken with three or four other tenants who may be interested in purchasing a building.
- Mr. Watts, City attorney, stated that this has been an ongoing process which has involved numerous department heads including Fire Chief Allison, Carol, Robert McCraight, Marcus from OHM and Roberto from the Department of Public Works. It has been a very involved process and we met with the applicant as recently as this afternoon to come up with a plan of attack as to where to go from here. He went on to say that one of the remaining issues is that the site plans still need some additional work and more details that will add clarity for everyone, such as fire lane designation, designated parking spaces, access areas and driveways which have been addressed with applicant. He noted that this is a very unique project and we have tried to attack the more pertinent health and safety issues, and that is why Chief Allison has been so heavily involved in this process. We are taking this opportunity to ensure that the circulation of the site relates to the storage in the common areas so that it does not hinder the fire access. The applicant has expressed desire to do that as well. He finished by saying that if the applicant is able to provide the necessary information we will continue to move forward.
- Ms. Maise stated that the Planning Commission received two sets of plans including the site plan and the exhibit "B" drawing. The exhibit "B" drawing is what goes along with the condominium documents. She continued by saying that the site plans are lacking such things as the parking spaces and layout, aisles, loading areas and driveways and the revised site plans will include that. She stated that the revised plans can be handled administratively if the Planning Commission is comfortable with that or they can table it if they wish to see the revised plans. She finished by saying that the Planning Commission is used to seeing more detail and the applicant has agreed to provide it.
- Mr. Watts stated that we are now in the process of marrying the site plans to the condominium documents as they have been presented. We want to make sure that the master deed, by-laws, limitations and restrictions as set forth in the condominium documents are reflective on the drawings themselves so that each person occupying a unit knows what and where they are

permitted to do certain things. He finished by saying that it will benefit the health, safety and circulation and everything else that goes along with that.

- Ms. Freitag questioned whether we have a finalized master deed and by-laws.
- Mr. Watts answered no. He went on to say that there have been a number of revisions made to them and that based on this afternoons meeting with the applicant there should be a final revisions forthcoming. He finished by saying that it is definitely an item that will need to be finalized before we can make a recommendation.
- Mr. McAnally stated that the purpose of the Planning Commission is to take a completed site plan and use our best judgment to make a decision as to whether to approve it or not. He continued by saying that with the site plan lacking so much detail, we have no idea what we are voting on. He finished by saying that it looks like an exciting project but would like to see more detail before he votes on it.
- Mr. Prybyla questioned who would be responsible for the maintenance of the roads such as snow removal.
- Mr. Greene answered that it will be similar to what it is now, which is that the owner/developer will be maintaining it until such time that it is turned over to the condominium association. He continued by saying that it will be one entity responsible for the snow plowing, road repair, maintenance, and water and sewer issues. He noted that there are industrial condominium sites, developed as such from the beginning, but this is just being a conversion as such.
- Mr. Paul stated that he had questions as to whether the water/sewer system was adequate for this site.
- Ms. Maise stated that Marcus from OHM was present at the meeting this afternoon and he has not done a full analysis of the site as of yet. She went on to that once the revised site plans are received, Marcus will do a full analysis to determine if there are any health and safety items that need to be addressed with regards to the utilities and water/sewer system.
- Mr. Paul stated that he has concerns with the maintenance of the retention ponds and whether the City of Romulus will get stuck with the bill.
- Mr. Watts stated that the retention ponds are designated in the master deed as one of the common elements. He noted that they will be maintained along with the roads by the association.
- Mr. Paul stated that there have been issues in the past with retention ponds and if they are not maintained there is a process by which the city can repair them and recoup the cost.
- Mr. Watts stated that there is an amendment drafted to the master deed to contemplate any health and safety issues that arise that would allow the City of Romulus to do that. He finished by saying that it is in the developers best interest not to let it get to that point, but it has been addressed in the master deed.
- Ms. Maise clarified whether Mr. Paul had talked to Roberto from the Department of Public Works about this issue at the meeting this afternoon.
- Mr. Paul stated that Roberto had a comment about any utility relocation being shown on the plan. He questioned whether the applicant had any intentions to do that.
- Mr. Greene answered no, that it was just describing the existing utilities. He also commented that the discussion regarding the retention basin was correct. He finished by saying that the amendment to the master deed, with regards to the retention pond, exceeds the rights that the City of Romulus has currently.
- Ms. Freitag questioned if the Planning Commission tabled this tonight, how it would affect the applicant's timeline.

- Ms. Maise stated that after informing the applicant that they would not be able to make the Council meeting until the end of September, the hope is that the revised plans come before the Planning Commission in September and get on the City Council agenda for the following Monday.
- Ms. Freitag stated that she agrees with Mr. McAnally in that she would like to see revised site plans, master deed and by-laws before making a recommendation. She finished by saying that this is an exciting project and does not see any problem approving it once they have reviewed the revised plans, but she is a little leery approving this project based on what we have seen this evening.
- Mr. Watts stated that he anticipates being able to work with Mr. Greene with regards to the remaining issues for the master deed and by-law revisions. He finished by saying that if the revised site plans are addressed as we discussed today, he sees no problem having a final draft ready for review at the next meeting.
- Ms. Freitag verified that if the Planning Commission approves the site plan at the September 17<sup>th</sup> meeting that the applicant would be able to make the Council meeting on the following Monday.
- Mr. Watts answered yes.
- Ms. Lambert stated to Ms. Maise that she would like to make sure that the petitioner is on the Council agenda for the Monday following the Planning Commission meeting, so that the applicant is not held up.
- Mr. Zilka questioned Mr. Greene as to whether the revised site plans could be ready for the next Planning Commission meeting.
- Mr. Greene stated that there are a couple key engineering issues, but other than that he sees no problem having them ready for the next meeting. He finished by saying that he appreciates the Planning Commission working with the applicant so that they can make the City Council meeting the following Monday.
- Mr. Freitag stated that it is not the intention to hold up the project but just that they would like to be more comfortable with what they are approving.
- Mr. Zilka stated that he believes this is going to be a win win situation for both the City of Romulus and the applicant. He finished by saying that the Planning Commission has trust in Kevin and Carol, but would like to see the revised site plans for themselves

Motion by Zilka supported by McAnally to table PC-2012-017; Airport Park Condominiums until the next meeting on September 17, 2012. Roll Call Vote: Ayes – Zilka, McAnally, Glotfelty, Paul, Prybyla, Butler, Lambert & Freitag. Nays – None. Motion Carried.

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

10. Reports

A. Chairperson

- Ms. Freitag reminded everyone that the Pumpkin Festival is quickly approaching and will be held this year on September 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup>.

B. City Planner

- Ms. Maise stated that the activity that is currently going on at the Dollar General site is the landscaping contractor. She explained that the plant in Kentucky that produces the brick will

begin production this week. The removal of the vinyl paneling and installation of the new brick will take several weeks to complete. In the meantime, the landscape contractor will continue to work on the site with a few adjustments of alternative plant materials and replacing trees that were inadvertently cut down on an adjacent property to the north.

- Mr. Prybyla questioned the status of the front façade of the building.
- Ms. Maise answered that the brick is currently in production and that there may be some activity on site with regards to removal of the vinyl in the next week or so. She finished by saying that the entire process of removal and replacement of the brick will take approximately six or seven weeks. Ms. Maise explained that there are a lot of re-occupancies under review right now which are being handled administratively due to the change in the Ordinance giving the ARC Committee the ability to do so. She continued by saying that she met with an applicant this week for a potential new building located at the corner of Northline and Inkster along with some other projects that the Planning Commission could be potentially seeing this fall.
- Mr. McAnally questioned that status of the house next to the Upscale Warehouse site that Planning Commission was led to believe would be demolished that is now apparently being occupied.
- Ms. Maise answered that the information that the Planning Commission received did not come directly from the owner of that particular property. She finished by saying that the Planning Department would follow-up with the Building Department.
- Mr. McAnally stated that his concern is that the Planning Commission gave the Upscale Warehouse petitioner permission to take down the adjacent fencing if the house was going to be demolished.
- Ms. Maise stated that it was a condition of approval based on the house being demolished and that the fence would remain up along as the house is not demolished. She finished by saying that the staff has met with Mrs. Lewis, and although she has received approval from Wayne County, there are many more issues in regards to engineering and building.
- Ms. Freitag stated that it was her understanding that Mrs. Lewis was looking at purchasing the adjacent house and demolishing it.
- Ms. Maise stated that to date that has not happened.
- Ms. Freitag stated that in speaking with someone afterwards she was led to believe that based on what Mrs. Lewis had invested so far and what she would have to invest in the proposed renovations she would not be able to afford the purchase of the adjacent house. She finished by saying that maybe Ms. Lewis has purchased the property and intends to rent it out.
- Ms. Maise stated that her staff will follow-up with the Building Department as to the status.
- Mr. Prybyla questioned whether provisions were made so that the lighting would not shine directly on the adjacent house.
- Ms. Maise answered yes and that the lighting would have to be directed downward. Ms. Maise noted that she is working with Kevin Watts on a several ordinance amendments with regards to the condominiums and land divisions.
- Mr. Glotfelty stated that he has observed activity on the Lee Steel site and questioned the status of the Speedway project.
- Ms. Maise stated that Lee Steel is in the engineering process and moving right along.
- Ms. McNeil stated that Brian Lance from the Speedway project was in last week to post the sidewalk bond and stated that he would be closing the existing doors two weeks from Friday to start construction.
- Ms. Freitag questioned whether Mr. Watts had any further comments.

- Mr. Watts stated that he will continue to work with Carol on both projects before Planning Commission this evening. He finished by saying that he will also continue working on the ordinance amendments so they can go to City Council for approval.
- Ms. Freitag stated to Mr. Watts that she appreciates all his hard work and the fact that he has always been very helpful to the Planning Commission.

11. Reports of Interest Designation - None

12. Communications

13. Adjournment

Motion by Prybyla supported by McAnally to adjourn the meeting at 8:02 p.m. Roll Call Vote: Ayes – Prybyla, McAnally, Lambert, Zilka, Butler, Glotfelty, Paul and Freitag. Nays – None. Motion Carried.

lm

  
Daniel McAnally, Secretary  
City of Romulus Planning Commission