

A motion was made by Schroeder, seconded by Yukon, that this matter be Approved. The motion carried by the following vote:

Aye 6 - Boswell, Brnabic, Dettloff, Granthen, Schroeder and Yukon

Absent 2 - Kaltsounis and Reece

Aye 6 - Boswell, Brnabic, Dettloff, Granthen, Schroeder and Yukon

Absent 2 - Kaltsounis and Reece

Chairperson Boswell stated that the motions had passed, and he wished Mr. Jona good luck. Mr. Dettloff knew that Mr. Jona was willing to be a good communicator, and he asked him not to lose that spirit.

2015-0348

Public Hearing and request for Conditional Use Recommendation - City File No. 13-005.2 - Auto Rite Sales, a proposed 2,448 square-foot office and three service bay building for a used car operation on .86 acre at 1923 E. Auburn Rd., located west of Dequindre, zoned C-I, Commercial Improvement, Parcel No. 15-25-482-025, Syed Ahmed, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated November 13, 2015 and site plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Syed Ahmed, Auto Rite Sales, 1923 E. Auburn Rd., Rochester Hills, MI 48307 and Chester Stempien, Chester Stempien Associates, 29895 Greenfield Rd., Southfield, MI 48076.

Mr. Anzek outlined that about two years ago, Mr. Ahmed was before the Planning Commission to obtain a Conditional Use permit to operate a used car business in the Olde Towne area. At that time, there was a lot of discussion about how the site would be improved and used. Mr. Ahmed said that he wanted to get up and running and as he made money, he would make improvements to the site. Eventually, the Planning Commission did recommend approval of the Conditional Use permit with a condition that he proceeded with the improvements to bring it into compliance. Subsequent to that, about six months later, it was decided in discussions with the Planning Commission that the City did not want a proliferation of used car businesses on Auburn Rd. Staff was directed to provide an amendment to the Zoning Ordinance and the FB-2 permitted uses (now the C-I uses) did not allow used car sales. Also during that time, Mr. Ahmed bought the lot adjacent, which was addressed as 1923 E. Auburn, and the site he operated from was addressed as 1927 E. Auburn. Staff did not know he purchased the lot, but it was observed that cars were being stored there. The code enforcement officers brought it to

Staff's attention that cars were being stored, but that parcel did not receive a Conditional Use approval for used cars, and it was in violation of the Zoning Ordinance. Mr. Ahmed was told to remove the cars, but only a few were. That led to citations and a discussion with Mr. Ahmed's attorney and Mr. Staran in January of 2015. Mr. Ahmed was told that the cars needed to be moved, and he asked for time to prepare plans and commence with the reconstruction that he pledged two years ago. In discussions with Mr. Staran, Staff believed that Mr. Ahmed was vested for the most eastern portion of the parcel to make improvements for a used car sales business. That was part of the condition that the Planning Commission and City Council approved for Mr. Ahmed to make improvements. The plans were submitted and went through a technical review. The intent was to expedite the construction on the site to get the cars off of the adjacent property onto the improved site, perhaps for 16-18 cars. Staff was looking for a timeframe for construction of the new building and the improvements to the site along with other conditions. He pointed out an aerial showing numerous cars that were a violation of the Ordinance. He asked Ms. Roediger to go through the details of the proposal.

Ms. Roediger showed a road view of the current site and pointed out that it was on the east end of the site. The building on the site was proposed to be demolished, and a new building would be constructed closer to the rear of the property. There would be a display parking area where the current building was, and there would be some employee and customer parking along the western edge of the site. The building elevations consisted of brick and split face CMU with fiberglass near the entrance of the building.

Ms. Roediger indicated that it was a fairly challenging site. A lot of the sites in the Olde Towne area were smaller and older, and this one had an angle across the front of the property line. The applicant was going to do improvements over what was currently there. There was essentially one big curb cut along Auburn and a large curb cut along Hessel. They would narrow the curb cut onto Auburn and define a driveway consistent with today's standards. On Hessel, they were proposing a fence along the property line, and there would be a gate permanently locked so no cars would access Hessel. Staff was requiring a sidewalk along the front of the property which would turn onto Hessel. No curb work was proposed along Hessel, and vehicle access would be prohibited. She noted that the building would be just under 2,500 square feet with three service bays for detail work on the used vehicles. The applicant was also proposing a fence along the front of the property. There had been numerous reviews

of the project, and the most recent Engineering memo recommended denial. Since that time, the applicant submitted a response letter to the Engineering comments. She believed that all the concerns were addressed with the exception of a corner clearance concern. It was an existing site that currently had corner clearance issues, and that would be improved by relocating the building, but the fence in the corner clearance was creating a safety concern. Anything over 30" tall was prohibited, and there needed to be a clear vision triangle above 30" up to eight feet where someone looked out a car window and should have adequate site distance to turn onto Auburn. She added that it still needed to be resolved.

Chairperson Boswell asked Mr. Ahmed if he wished to add anything. Mr. Stempien spoke, and said that the whole project began in the summer of 2013. At that time, they could have gotten approvals based on what they had without too much fanfare, but it was decided that the corner should be enhanced and that they should maximize the facility with a slightly larger building. In the course of that time up until the present, it gave the various departments an opportunity to scrutinize the corner much more thoroughly than they would have back in 2013. In the last review, it was decided that along Hessel, they should add a walkway, and along Auburn there was an existing concrete walkway that jogged into the property. Staff decided that they wanted that section of walkway rebuilt and made wider, and they had complied. Another new issue was that Auburn might someday be 120 feet wide instead of 100 feet, so they lost another ten feet of the property. He had to juggle the building somewhat so they would not lose too much area for parking. They were proposing much more landscaping than in 2013, and they had complied with everything. There were some items that were previously approved, such as the four-foot high fence along Hessel that was installed. The owner would like to continue the wrought iron fence along Auburn because of concerns about safety and security. There was an alley in the back that was also a buffer to the residences, but it was not used. They were still increasing the arbor vitae they were required to install in 2013. They were also proposing to put a fence there (the north side) to provide additional privacy for the residences. He acknowledged that there was a delay, but he thought that the final result would make the corner much more attractive than what they had proposed in 2013.

Ms. Brnabic asked Mr. Ahmed if the display parking would allow 16-18 vehicles, to which he agreed. Ms. Brnabic asked if the three bays would only be used for detailing or if there would be oil changes. Mr. Ahmed said not really. Ms. Brnabic asked if there would be a hoist, and Mr.

Ahmed said there would be one for changing tires and things. Ms. Brnabic asked if oil changes would be permitted. Mr. Ahmed said that there would be no oil changes for the public - it would only be for a car he owned. Ms. Brnabic clarified that he would do oil changes only on his vehicles, and Mr. Ahmed said that he would go down the street. Ms. Brnabic asked if he could confirm that the construction would be done by the end of October 2016, which he did. Ms. Brnabic asked if the vehicle storage on the western portion of the parcel would be eliminated. Mr. Ahmed agreed that all storage would be on the eastern portion. He said that when he bought the property, he talked with Mr. Jim Breuckman (former Manager of Planning) who told him that the site was zoned C-1, not FB-2. That was why he invested all his money in the lot to the west. Mr. Ahmed said that all his savings were invested there because Mr. Breuckman told him that he could do vehicle storage in C-1. At the time, Mr. Breuckman advised him to put the building in the middle of the site and to combine the lots. Mr. Ahmed showed a letter from Mr. Breuckman that said that Mr. Ahmed could store the vehicles on the most recently purchased lot, but he could not advertise. He passed out copies of the letter to the Commissioners.

Mr. Anzek said that Mr. Ahmed was correct. Mr. Breuckman did write the letter, but it was happening concurrently with the Rezoning. Mr. Ahmed went to the ZBA and requested a Variance. The ZBA suggested that the building be put in the middle of the sites. Because of a time delay, Mr. Ahmed could not get vested for using the western site. He needed to have approved plans by June 20 of 2014, and he submitted his plans on June 29th. He was warned and advised going back as far as late March. The applicants did not meet the time frame, and the City had to enforce the Ordinance.

Mr. Ahmed said that he submitted the plan on June 19, 2014. Mr. Anzek advised that Mr. Breuckman's letter was dated January 23, 2014. Mr. Ahmed said that Mr. Breuckman wanted him to put the building in the middle, so he did all the paperwork and spent close to \$30k on the plans. He came to the City on March 12, 2014 for a Variance. It was denied, because he was told he did not need a Variance because he had a bigger lot and he could park cars anywhere he wanted. He accepted the offer. He read from Mr. Breuckman's letter, "A condition of site plan approval would be to combine the parcels." He also said that "when it came time to go to the Planning Commission for a Conditional Use review, the applicant should absolutely have one site plan for the entire property." Mr. Ahmed said that he worked with Mr. Stempien in May of 2014. He showed the plan to Mr. Breuckman, and he accepted the site plan. At the

bottom of the site plan Mr. Ahmed had written that he could submit the plan within a week. He tried to submit the plan on May 13, 2014 and Mr. Breuckman did not accept it because there were no engineering drawings. Mr. Breuckman told him that the Engineering Department liked what he was doing. It took three weeks to get the engineering drawings done. On June 19, 2014, he submitted the plans and by that time, Mr. Breuckman was not at the City any longer. Mr. Ahmed said that he gave the plan to Mr. Anzek, but he did not think Mr. Anzek knew the lot belonged to him, and he said it was wrong to have the building in the middle; it was supposed to be nearer to Hessel. Mr. Ahmed said that he was scared to call the City, because he did not want his plan rejected so he kept quiet. On July 17, 2014, he asked Mr. Stempien to write a letter to Mr. Anzek, which he did. Mr. Ahmed got a reply from Mr. Anzek saying he had talked with the City Attorney, and because he did not have a Land Improvement Permit, things could be changed. He tried to get a Land Improvement Permit, and he was told he had to go before the Planning Commission first. When he submitted the plan, he was told the zoning had been changed to FB-2 on June 23rd, but he submitted the plan on June 19th. Mr. Anzek said that the Ordinance amendment had gone into effect June 16, 2014.

Ms. Brnabic said that her original question was about the development on the subject lot. She wanted to confirm that he would remove the vehicles from the west side once the project was finished. Mr. Ahmed agreed, and suggested that he could screen the western portion with green mesh fence.

Ms. Roediger clarified that the applicant said he would screen the existing property with green inserts in a chain link fence. That would not be acceptable to the City, and she did not want anyone to think the applicant could just screen the lot with green link mesh.

Mr. Schroeder asked what would happen with the property and if it was eventually rezoned or redeveloped. Mr. Anzek replied that the eastern property was originally known as 1927 E. Auburn, and he thought it should remain as that address. Where it got difficult was that Mr. Ahmed combined the two properties after he purchased them. There was now one parcel. The Conditional Use from 2013 only dealt with the eastern portion. To bring the western portion into it, Mr. Ahmed had deadlines to meet, and they were not met. Staff offered something so he could get vested before the Ordinance went into effect, but Mr. Ahmed did not make the deadline, and the City was not allowing the used car storage. The City had wanted those cars removed, and it had taken this long to get the site

plan processed. It took a meeting with Mr. Ahmed's attorneys and strong clarifications about promises made through the original Conditional Use permit as to when the improvements would be made, which had not happened. It was frustrating because pledges were made that should be kept. Apparently, there was adequate money to buy additional property, so he assumed there were adequate monies to build what was being proposed. He remarked that things had become a little too lax. The code enforcement guys got complaints, and they had been after this, and Staff was trying to stay within the spirit of what was approved - a Conditional Use permit for the eastern 1927 E. Auburn as it originally existed - as directed by the Planning Commission. It was for site improvements to occur at a future point. It would take an amendment to the Conditional Use permit, because Mr. Ahmed was restricted to five cars. Once the area was asphalted, that restriction should go away.

Mr. Schroeder asked if Mr. Ahmed could eventually use the property and add it to the subject property. Mr. Anzek said not the western piece. The smaller, eastern piece was the only area that could have a used car operation. The storage next door was not permitted. No storage was permitted in the FB-2 district, which was what the C-1 district required. Mr. Schroeder asked if the applicant wished to rezone. Mr. Anzek questioned why the City would rezone it. Staff was not suggesting that an expansion of the used car business be supported westward. Staff's recommendation was that it should stay at what was requested three years ago. Mr. Ahmed told him that his long range plan for the second parcel was to put in a little strip center or some retail facility, which would be fine.

Mr. Yukon did not see any proposed signage in the plans. He asked if there would be a monument sign or a sign on the building to advertise. Mr. Stempien did not think signage had been addressed. Mr. Ahmed believed it would be on the building. He said he had one on the ground that he could use. Mr. Yukon asked what type of material would be used for the sign, which was not clarified.

Ms. Roediger noted that the monument sign was not on the property in question. The site plan for the used car lot did not have a monument sign, and Mr. Ahmed would not be able to use the ground sign on the western portion to advertise a business next to it. She did not feel there would be room for a ground sign on the eastern portion, so it would have to be a wall sign, which would be handled through the Building Dept. She did not think they could meet the setbacks unless they put the monument sign in the auto display area.

Chairperson Boswell opened the Public Hearing at 8:57 p.m.

Kathleen Campbell, 2793 Harrison, Rochester Hills, MI 48307 Ms. Campbell said that she lived in the subdivision behind the car lot. She stated that it was an extreme eyesore, and her kids called it the junkyard. She did not understand why Mr. Ahmed would be allowed to leave cars there if it would be another year before the building was complete. She did not think he should be allowed to store vehicles when it had already been over two years. She said that the area had gotten very busy, referring to Johnny Black's Public House, which she claimed was a wonderful establishment, but there was a lot of traffic. There was also Chad's Bistro causing traffic. She had thought that the public would use Mr. Ahmed's bays for oil changes, so that was something she learned. Her biggest concern was that Auburn was so busy and when someone came to purchase a car, her subdivision was used for test drives. They went up to 40 m.p.h., and they did not stop at stop signs. On October 23, 2014, Mr. Ahmed struck her daughter's school bus full of children. She handed in the police report and some photos. She said that her daughter was injured, among others, and the bus driver was injured to the point where she had not returned. It was a very serious accident, and the bus had to be towed - that was how hard it was struck. The police said the driver had to be going at least 40 m.p.h. to do that type of damage to a bus. It was her understanding that Mr. Ahmed was only allowed to have five vehicles. She wondered how he could go up to 20. She wondered how, if he built a new building, he could have so many cars. Her greatest concern was the use of her subdivision. If she was given the opportunity, she would get a lot of people to sign a petition to prove it was a big concern for everyone that lived there. She never thought she would get a phone call saying that her daughter had been in a bus accident in her subdivision. She did not think it was a place for a used car lot because there had been other accidents, and she said she would appreciate it if they could look into it before they made a decision.

Scott Campbell, 2793 Harrison, Rochester Hills, MI 48307 Mr. Campbell stated that one of his major concerns was safety. He said that it was very dangerous now with new businesses going in and with left and right hand turns. Going from the corner of John R to the corner of Dequindre, there was supposed to be no driving on the shoulders, and there was no room for sidewalks, and it was not safe for businesses. He noted that a person had been killed there in the past year walking down the side of the road. He indicated that Mr. Ahmed had been non-compliant with everything, and Mr. Campbell wondered if he would have access to the subdivision. At the bus accident, his daughter heard

some very difficult words, and Mr. Ahmed said it was not his fault. It was like he did not take responsibility for anything. He was not trying to accuse anyone of anything, but he wanted that taken into consideration. Mr. Ahmed said he was going to remove cars in 2015 that were still there. The aerial showed a low population of cars. If both lots were added together, there were 32 cars. Mr. Ahmed's response about the bays being used for oil changes was uneasy to Mr. Campbell. Mr. Campbell wondered how the oil would be disposed. If Mr. Ahmed had been non-compliant with other things, Mr. Campbell wondered why he would not be non-compliant with other matters. Mr. Campbell asked if permits were required and if all the legal documents had been filed. He did not think such a big building was needed to just detail cars. He knew people with detailing companies, and they did not have hoists and a three bay operation to just detail a car. He was certain there would be more going on in the bays. He observed that many people used his neighborhood for a cut-through. He said that it was bad enough that they lived on the street with Johnny Black's Public House, which had a no parking sign, but people still parked there. There were many children that rode bikes, and there were no sidewalks in his neighborhood. He did not want someone going into his neighborhood that was not supposed to be there and running one of the kids over.

Scot Beaton, 655 Bolinger St., Rochester Hills, MI 48307 Mr. Beaton advised that he was the City Council rep for this area 20 years ago. There had been a lot of ideas thrown around for the Olde Towne district, and it was going to be a wonderful, viable commercial area that would enhance property values. They talked about whether to have parking on Auburn or not or if it would be a three lane or five lane road. It was currently proposed to be a three lane, and he did not think a 120-foot right-of-way sounded walkable. He observed that the residents that lived north and south of the car dealership were a great group, and that Brooklands was a great area. There were a lot of small homes and lots, and he had walked the area a lot. The people had been promised they would have a neat, walkable, great Rochester downtown that would be charming. The guy that owned the electronic company and the guy that owned the heating company had redone their facades to make them look nineteenth century. They added a lot of character and brick and had buildings that looked very residential. He did not see any of that with the proposal. The site plan basically looked like an oil change facility made out of brick and cinder blocks with Lions blue fiberglass on the front. He did not feel that Lions blue fiberglass screamed Olde Towne or Gas Light district or residential architecture that would be used for a commercial purpose. He did not see the vision, and he felt that it was up to the

Planning Commission and Planning Department to respect the wishes of the residents to try to improve their home values and improve the commercial district. The area was full of potential; it just needed a plan and some leadership from the City. He knew that Mr. Anzek had some great ideas in the works, and plans would be coming forward, but that was not what was being presented. It was not the Vinsetta Garage on Woodward that was art deco in style and would service five antique cars at the most. It seemed like a major commercial use where there was no way the Building Dept. would know if Mr. Ahmed was selling oil changes to the public or doing them himself. They could not police that. It seemed like Mr. Ahmed did not show the history to believe what he was going to do. Mr. Beaton indicated that he was not happy with the site plan or the way the building faced the road. He thought it should be turned sideways. He did not think that the service doors needed to face Auburn. The building looked like it belonged in an industrial park. He was not happy with the Lions fiberglass blue façade. He did not think that had anything to do with improving the home values and the quality of life of the residents who live in Brooklands, and he concluded that those folks should be the most important.

Chairperson Boswell closed the Public Hearing at 9:10 p.m.

Mr. Anzek responded that there were good comments from the residents. He acknowledged that when the City first received the plans, Staff had tremendous objection to the three bays, and all three had lifts in them. The operation was presented to be a low key, low volume used car lot, and it still baffled him that three bays were needed for car prep. The back of the room also showed a lot of storage, although he was not sure what that storage would be or why it would be needed. When the project first came to Staff a couple of years ago, they knew it did not fit a vision, but the Zoning Ordinance supported it. The Planning Commission required Mr. Ahmed to do site improvements, although no time constraints were placed. The promises were finally coming around, because the car lot spilled over and created a problem next door. His suggestion that the cars could stay until the building was built was just a starting point - not cut in stone. If the stored cars next door were offensive to everyone, they could be removed immediately through the City's process. Staff was trying to help a business become successful and also to be an asset, and that was something the Planning Commission perhaps needed to decide.

Chairperson Boswell asked Mr. Ahmed why there were three bays. Mr. Ahmed said that there would be one bay and two garages. Chairperson Boswell saw three doors, and Mr. Anzek said that each garage door

functioned as a bay. Mr. Ahmed said that he could park cars inside to prepare them. Chairperson Boswell noted that he lived a half a block away. The residents were right; the place where the cars were stored was a pit. It did not get mowed, and at night sometimes he got woken because one of the car alarms was going off. He did not like the look of the building, and he did not think the cars should stay in the other lot.

Mr. Schroeder said that he just did not see it - there were ten pounds being put in a half pound box. He could not see having a used car operation with so few spots and a three bay garage with a big office. He commented that nothing made sense. He asked what Mr. Ahmed was going to do with all the cars next door. Mr. Ahmed said he would try to move those cars to the eastern lot. Mr. Schroeder said that all those cars would not fit on the eastern lot, especially if the plan was followed. He recalled personally asking Mr. Ahmed if cars would use the side streets for test driving, and he was told that they would not. Mr. Ahmed said that mostly, people went out onto Auburn to Dequindre and to M-59 for a test drive. He said that 95% did not go onto the side streets. Mr. Schroeder said that no matter what was said, there would be a lot of people driving the side streets. Mr. Ahmed disagreed. Mr. Schroeder asked Mr. Ahmed how he would control that. Mr. Ahmed said that only three to four customers came a day. He sold cars for \$20k, so they were not low budget or cars that leaked oil, and they were all newer. Mr. Schroeder said that he did not see why Mr. Ahmed needed a three bay building and all the office space for so little cars. He restated his opinion that it did not make sense.

Chairperson Boswell explained to Ms. Campbell that the reason Mr. Ahmed would be allowed to have more cars was because he would be paving the lot. There was grass in the back currently. Ms. Campbell asked if he was grandfathered.

Mr. Anzek thought that was the correct term. When Mr. Ahmed got a Conditional Use permit for a used car lot, the Zoning Ordinance allowed it in the district. The Planning Commission and Staff did not want to see an abundance of used car lots on Auburn given the vision that Mr. Beaton referred to. They decided to revise the Zoning Ordinance to make FB-2 uses permitted in that area, which did not include used car lots. When it was approved, it was discussed then that the improvements including paving, a new building, retention, landscaping and some fencing would allow more than five cars. The Planning Commission restricted it to five, because it was gravel, and they did not want oil dripping onto an unprotected lot.

Mr. Beaton asked what the total allowed would be now. Chairperson Boswell said 18 used cars. Mr. Beaton did not believe that 18 cars would fit on that site plan. Mr. Anzek did not think so either, but he offered that used cars were not parked like regular cars. Mr. Beaton said that even if they were stacked door knob to door knob that many would not fit.

Mr. Schroeder did not think that meant 18 used cars; it included parking for customers. Mr. Beaton clarified that it meant 18 total cars on the site. Chairperson Boswell believed that it included customer and employee parking and used cars. Mr. Anzek said that 40 cars were illegally stored now.

Mr. Yukon echoed Mr. Schroeder's and Chairperson Boswell's concerns about the development. One of the important benchmarks the Planning Commission used was to determine if it was harmonious and compatible with the surrounding areas. He did not see the proposal as harmonious or compatible, and he was not in agreement with it.

Ms. Brnabic said that she absolutely agreed with the neighbors' comments. The cars being stored illegally were an eyesore, and the lot was not kept up. Mr. Ahmed was storing many more than 18, and cars were jammed in every angle on the other lot. She felt that the City had been more than patient, and the non-compliance had been going on for too long. She remembered the question about using the subdivision for test drives, and Mr. Ahmed stated that it would not occur. To now find out that it was and the fact that there was an accident really disturbed her. The test drives should never have taken place in the subdivision. They should have been on Auburn. Mr. Ahmed was allowed five cars, and that would have been a small business until he was ready, but he had 35 cars on the other lot. That was not what was discussed when they approved the initial development.

Mr. Ahmed said that when the lot was improved, he would be allowed to park more cars. He was trying to improve the lot as soon as possible so he could move the cars. Ms. Brnabic said that the neighbors had a lot of valid points. Mr. Ahmed had been non-compliant in several areas, and she was concerned about having three bays, and that was why she asked if there were hoists. Because Mr. Ahmed had been non-compliant in several areas, the question was about what Mr. Ahmed really would be doing. He was telling them one thing, but she wondered if something else would happen.

Mr. Ahmed stated that the bays would just be for detailing the cars and keeping them inside until the customer came so it could be delivered nicely. Ms. Brnabic said that she did not care for the look of the building either, but her concerns were with what had occurred. She asked if 16-18 cars would be for display parking or for the entire parking. Mr. Anzek said that from the initial submittal, there were spaces laid out for display only. That had since changed considerably, and there was just a big block shown, and he was not sure how many cars could be parked in that. Customer parking was along the western line. The initial layout showed 16 display cars. Mr. Schroeder pointed out the site plan, and Ms. Brnabic said that it appeared that there were eight cars on display and eight spots for customer/employee parking. Mr. Schroeder added that there were three spots in the garage. Ms. Brnabic thought that the eight spaces for customer parking would be used for display, because there probably would not be eight customers at a time. If Mr. Ahmed had 35 cars on the other lot, she did not know how he would cut it down to only eight cars in the display area, or a few more in the required parking spots. She asked about enforcing the use in the three bays so that oil changes could not occur.

Mr. Anzek said that the Code Enforcement officers believed that it might evolve to that. He indicated that it would be difficult with City resources to have an officer there at all times. He stated that revoking a Conditional Use permit was difficult and a long process, but that might have to ultimately happen. Conditional Uses were not permitted by right; they had to meet additional standards. From day one, he had said the building was too big, but they kept with it, and they could meet the standards for the C-I district with the proposed layout. He felt that it was a discretionary decision regarding the health, safety and welfare of the community that the Planning Commission could consider. It was a big building for a little activity that was never intended to be a big autorama.

Ms. Roediger said that currently as shown, Engineering recommended denial because there was a corner clearance issue. Even if the Planning Commission moved forward with a Recommendation for Approval, it would be contingent on the applicant to address staff comments and deal with the corner clearance issue.

Chairperson Boswell summarized that the general consensus was that the building was too big, and the storage of cars on the western part of the property had to end. He suggested that the matter could be postponed if someone made that motion. He was not sure if they could legally ask the applicants to shrink the building, move cars, and have the Planning

Commission look at it again. Mr. Schroeder said that he would support that. Chairperson Boswell asked Mr. Staran if that was a possibility.

Mr. Staran agreed that could be proposed as an option. If the applicant was not interested in pursuing that option, the Commission could consider denying the request. Chairperson Boswell asked Mr. Ahmed if he would consider shrinking the building and removing the storage of cars. Mr. Staran believed that the storage of cars was an Ordinance enforcement issue, and the City did not need consent to require that. The building size was something appropriate to ask if the applicant would be voluntarily willing to downsize. If not, the Planning Commission could make its decision. Chairperson Boswell again asked Mr. Ahmed if he would be willing to downsize the building.

Mr. Ahmed agreed that he could do that. Chairperson Boswell said that in that case, the Commission would postpone the meeting until new drawings were prepared. He advised that Code Enforcement would be out to the site. Mr. Schroeder asked if the Commission should establish any parameters for the size of the building.

Mr. Ahmed asked what Chairperson Boswell meant about Code Enforcement coming out. He said that he needed some time. If the building was up, he could move all the cars. He said that he did not have money to move them somewhere else. He asked for time until the new building was constructed. Chairperson Boswell said that he understood; however, Mr. Ahmed was in violation of Ordinances, and he had been told that. The neighbors were certainly advising of that.

Mr. Dettloff considered that the ongoing issue had been that there were more cars there than what was agreed to from the beginning. Chairperson Boswell said that was not the case on the eastern property. Mr. Dettloff meant that with the other side, there were more than what was agreed to. Chairperson Boswell agreed, and said that was why it was in violation.

Mr. Anzek informed that when staff met with Mr. Ahmed's attorneys in January, they asked about storing 20 or so cars at the site. They pledged that the City would have drawings immediately, and that work on the new site would commence as soon as they got approvals. That was in January, and it was now November. It took a long time to get the drawings, and there was a lot of back and forth. Mr. Anzek felt that it was time to pull back the courtesy of allowing car storage, because of the impact to the neighborhood and the way it looked. All the cars would not

fit on the eastern side, so wherever they were going to be stored, they should all be taken there, but he assured that it would not be in the Olde Towne area. He understood that Mr. Ahmed should redesign the building to be smaller and more appropriate for the scale of activity.

Mr. Ahmed asked if he could be given more time. Mr. Anzek asked how much time he wanted. Mr. Ahmed said that as soon as he put up the building, he would move the cars. Mr. Anzek said that they went through everything about a year ago. Mr. Ahmed claimed that the City delayed everything. Mr. Anzek said that the City had to keep reviewing it, because the Ordinances in the designs were not being met, so the City did not delay anything. Mr. Ahmed asked again about putting a screen around the car lot. Mr. Anzek said that storage was storage, and it was not permitted. It did not matter what was being stored; it was not permitted in the current Zoning Ordinance, no matter what type of screening there was.

Ms. Brnabic said that Mr. Ahmed was allowed five cars, but there were many times when there were ten or more. Mr. Anzek agreed that was observed by Code Enforcement. Ms. Brnabic asked how much of a time frame Mr. Ahmed would be given to remove the cars, noting that he did continually add cars. Mr. Ahmed responded that he tried to dispose of cars before buying more. He said that if he was given more time, he would appreciate it. He said that he put his life savings into and because of the stress, he had two heart attacks. Ms. Brnabic said that originally Mr. Ahmed told them that he purchased a lot of cars at the auction, and that they could be stored there. Mr. Ahmed agreed he was storing there, too, but people liked to come to his lot to buy cars. He said that he paid close to \$12k to the State every month.

Mr. Anzek asked the Commissioners how much time to remove them would be fair. He thought last January that they would be gone by now. Mr. Dettloff suggested December 1st. Mr. Anzek said that Code Enforcement would go through the procedures and give time to rectify the problem. If it was not done, there would be further discussions, and then it could go to court. Code Enforcement did have to give a reasonable amount of time to remedy the problem. Mr. Yukon and Mr. Dettloff suggested 30 days. Mr. Anzek said that he would leave it up to Code Enforcement, but 30 days seemed fair to him.

Chairperson Boswell asked about the building size and what the Commissioners would like. He did not think they wanted to see three bays and a large office with storage. Mr. Schroeder said that they would have to see if Mr. Ahmed would accept, and Chairperson Boswell asked

Mr. Ahmed if he would. Mr. Ahmed agreed that he could shrink the building. In the meantime, he requested more time to put up the building, which he said he would build as soon as possible if he got approved. He asked for three to five months.

Chairperson Boswell said that the Commission could postpone the matter, and when Mr. Ahmed brought back downsized drawings of the building, they could review it again. Mr. Ahmed asked if he was supposed to take out one bay. Chairperson Boswell said that he was not going to dictate how many bays, but the proposal should be more reasonable. He indicated that the proposal did not fit Olde Towne, for one thing. The lot was small, and the building was oversized for the lot. The building there now was undersized. He would not expect Mr. Ahmed to build something that size, but not as big as was proposed. If it ended up having two bays and it looked reasonable, that might be fine. He asked if there was a motion to postpone.

MOTION by Schroeder, seconded by Dettloff, in the matter of City File No. 13-005.2 (Auto Rite Sales) the Planning Commission postpones the **Conditional Use Recommendation** to construct a used car sales operation pending receipt of new site plan drawings.

Voice Vote:

Ayes: All Nays: None Absent: Kaltsounis, Reece

MOTION CARRIED

2013-0190

Request for Site Plan Approval - City File No. 13-005.2 - A new 2,448 square-foot used car sales office and three bay garage building for Auto Rite Sales, on the eastern .29 acre of a 86-acre parcel at 1923 E. Auburn Rd., west of Dequindre, Parcel No. 15-25-482-025, zoned C-I, Commercial Improvement, Syed Ahmed, Applicant

MOTION by Schroeder, seconded by Dettloff, in the matter of City File No. 13-005.2 (Auto Rite Sales), the Planning Commission **postpones** consideration of the **Site Plan**, pending receipt of new drawings.

A motion was made by Schroeder, seconded by Dettloff, that this matter be Postponed. The motion carried by the following vote:

Aye 6 - Boswell, Brnabic, Dettloff, Granthen, Schroeder and Yukon

Absent 2 - Kaltsounis and Reece

Aye 6 - Boswell, Brnabic, Dettloff, Granthen, Schroeder and Yukon

Absent 2 - Kaltsounis and Reece