

**PLANNING COMMISSION MEETING
CITY OF WIXOM
49045 PONTIAC TRAIL
MONDAY, AUGUST 3, 2009 – 7:30 PM**

Chairman Day called the meeting to order at 7:29 pm.

The Pledge to the Flag was given.

PRESENT:

William Day, Chairman
Phillip Carter
Jim Crowley
James Maher
Guy York
Nick Kennedy
Cory Lupinacci
William Henning

CITY CONSULTANT:

Carmine Avantini, LSL

CITY STAFF:

John R. Lipchik, Building Official

RECORDING SECRETARY:

Jennifer Garrett

ABSENT:

Kurt Gottschall (excused)

CHANGES OR ADDITIONS TO THE AGENDA:

There were no changes or additions made to the agenda for this meeting.

APPROVAL OF MINUTES:

Planning Commission Meeting – July 6, 2009

MOTION and second by Mr. Lupinacci and Mr. York to approve the July 6, 2009 Regular Minutes as presented.

VOTE:

MOTION CARRIED

CORRESPONDENCE:

There was no correspondence received for this meeting

CALL TO THE PUBLIC:

A gentleman from the audience asked if now was the time to address the commission about the public hearing for Advanced Auto Recyclers.

Chairman Day stated that would be coming up in a few moments and he could address that when it is opened up for public comment. There being no further comments from the public, the Call to the Public was closed at 7:31 pm.

UNFINISHED BUSINESS:

There was no unfinished business listed on the agenda for this meeting.

NEW BUSINESS:**PUBLIC HEARING FOR SPECIAL USE # 09-007: SAM BASHIR, ADVANCED AUTO RECYCLERS, 5634 PLANTATION DRIVE, COMMERCE TWP., MI 48382:**

The applicant is seeking special land use approval for the following: Outdoor Storage (18.09.040.F) for three (3) metal 10-foot by 40-foot storage containers, a 9-foot by 25-foot storage bin, two (2) 400-gallon fluid tanks, a cube truck for used tire storage, and an open outdoor staging area for automobiles in the process of recycling; and Major Automotive Repair (18.09.040.G) for the dismantling of vehicles and recycling of automobile parts. The Wixom Municipal Code, Section 18.09.020 requires approval from the Planning Commission for this request. The property is located at 47000 West Road and zoned M-1, Light Industrial. The tax parcel number is 22-04-351-018.

Mr. Avantini stated the commissioners should have a letter dated July 24, 2009 for Advanced Auto Recyclers and said with the special land use request we have both specific and general standards under which we reviewed this.

He indicated this is a fairly unique use and when it came in (obviously working with Mr. Lipchik) we were kind of struggling with what it would be classified under. We felt (and Mr. Lipchik made a determination) that the uses it is most closely in line with are major automotive repair and the outdoor storage, which are both special land uses. So that is the criteria we followed in reviewing this. With the general standards that we looked at, the first one is that the proposed use is in accordance with the goals, objectives and policies of the City of Wixom Master Plan. Now, the subject site is located in an industrial area (an M-1 district) and we are limited on outdoor storage, and in automotive repair it is typical. The thing with outdoor storage in this particular district is it is typically contained or screened. He thinks a key feature here is that it is usually an ancillary activity to the proposed use, and that was one of the things we really struggled with in reviewing this. We did meet with the applicant, and then the subsequent plan we received seemed to expand further the amount of outdoor activity that took place. So not only did we mention in our letter that we would need more detail on the storage containers, but also as we went through it we started to question the amount of outdoor storage that would take place on the site. It was getting to the point where it was no longer ancillary but was really starting to become the primary activity on the site compared to what was being conducted inside the building, and you will see in our letter that was the primary concerns we had here and as a result questioned whether that is truly a light industrial use and actually isn't becoming a heavy industrial use.

Once again, there were a number of questions we had after reviewing this last revision of the plan. When they come up maybe the applicant can answer some of the questions we had in our review. The outdoor storage area, the staging area they have identified is about almost 16,000 square feet; and that is substantially larger than the building in which the primary activity is going to be taking place. So that is something they are going to have to look at. We have also identified some questions in here that we still had for the applicant including what is to become of the remaining car shell after it is dismantled. Will it be crushed on site or be stored in the open area for an indefinite period? Will it be immediately removed to another site and what happens to the components they don't sell? He knows they have bins out there, but he thinks we still felt there needed to be more thorough description of what would actually happen on the site

because there are a lot of parts involved in dismantling the vehicle, and we just needed to have a better idea of what would happen. He said the primary concern with any use (whether it is this use or another use) is that if we don't have enough knowledge and don't have enough conditions placed on it it could turn into something that is much bigger than we expected and maybe does not meet the intent of that district.

Mr. Avantini stated the other thing is the storage units. Going on to the intent of the zoning district, for the proposed storage units they have containers, bins and trucks; and they are all pretty much just temporary and are being used basically to take the place of what you might do within a building structure. A lot of this stuff is moved outside, and that is also a concern we had and listed in our letter all the things that are going to be taking place there. So once again we need to have more detail on this and exactly how this works (the dismantling of the vehicles).

Mr. Avantini went on to say the next standard (under #2) is the open storage area on the plan. They are proposing gravel which is something the commission would also have to approve because the ordinance gives flexibility as to whether you want to allow gravel instead of a hard surface. We had two concerns with that. One is the potential impact there could be on the ground water if there was any seepage taking place from these vehicles into the gravel. The second issue was the fact that it is really hard once you have a gravel surface. You can't really mark it, and therefore it is hard to define the limits of what activities are taking place. They can change on a daily basis, and you have no way to monitor it because it is not marked like you would a paved surface. So that made it very difficult for us to say yes, you are locating it here; and we can identify whether they are meeting that requirement in the future or not. So that was one of the bigger challenges we had with the surface, in particular in not paving it.

Mr. Avantini stated item #3 is to be constructed, operated and maintained to be compatible with the existing or intended character of the general vicinity. One of the concerns we had is the amount of storage in the containers and that it become more than what was intended, and we don't have a permanent location where we can control where the containers are located. So our concern is how we control what is being put in there and how you control the limits of it, both outside and potentially within the containers, like how high they stack.

With item #4 Mr. Avantini said he had already mentioned the concern about the potential impact by having a gravel surface, and the commissioners also have a letter from the Fire Department that addresses that particular issue too. The same with #5, not involved uses, activities, processes and so forth. That in comparison to the permitted uses in the district will be detrimental to the natural environment. If you look at the gravel surface proposed there is a question in terms of the seepage of fluids into the ground.

Mr. Avantini further stated we have specific conditions also on page five, and one is that all outdoor storage uses shall be located within the rear or side yard. We have indicated on here that either the areas must be specifically delineated for storage or notes have to be added to the plan that no outdoor storage is permitted unless it is in the designated areas, but once again it is kind of hard if you can't mark it.

Mr. Avantini stated outdoor storage areas shall be located no closer than 150 feet from any street right-of-way. The outdoor storage is located over 150 feet from West Road right-of-way. The

third one is that outdoor storage areas shall comply with building setbacks of the district for all other yards. While a 20-foot-wide setback area is illustrated on the site plan, the area contains gravel; and the boundaries will be difficult to maintain, once again. We recommend that pavement, lawn area and landscaping be provided to clearly delineate the access drive and the storage setback limits. Our biggest concern once again is the paving as much as anything. Realistically we start putting landscaping in there and it is hard to maintain with any industrial operation. He thinks there are other ways to screen it from the adjacent property, but the pavement is really a primary concern for us; and that ties back into the storm water management system when you do pave it.

Mr. Avantini went on to the next one and said the height of any items stored outdoors shall not exceed 12 feet. You have the ability to increase that storage area but you have to make sure it doesn't have a negative impact on surrounding properties and that the storage is in accordance with the Fire Department requirements. They did add a note that it will not exceed 12 feet in height.

Continuing, Mr. Avantini said the next one is all storage facilities shall be enclosed within a building or within an obscuring wall on those sides abutting a residential, office or business districts and on any yard abutting a public street. The extent of the wall can be determined by the commission on the basis of usage. This particular criterion is not implacable because the site doesn't abut either residential, office or business districts; but once again the screening requirements will still have to be met in the ordinance.

Mr. Avantini next stated landscaping shall be provided around the exterior boundary of the storage area, and all planting plans shall meet the requirements of Section 18.14.020 and be subject to the approval of the Planning Commission. They are not proposing complete screening so this condition has not been met. So therefore in order to meet the site plan requirements they would have to provide that screening around the sides, and there are a number of ways to do that. That could be done with fencing as well as landscaping.

Moving on to #7, Mr. Avantini stated all outdoor storage areas shall be paved with a permanent durable and dustless surface and shall be graded and drained to dispose of storm water without negatively impacting the adjacent property. It says you can approve a gravel surface for all or part of the storage area for low intensity activities such as landscape materials upon a finding that neighboring properties and the environment will not be negatively impacted. Now, paved surface must be provided for the proposed use in our opinion. No supporting documentation has been provided to support a waiver to allow gravel, and we don't see any reason for that. The containment of fluids and possible impact on drainage is a significant concern. Storage limits, circulation, access to the cell tower, and screen areas will be all improved if pavement is provided. We are also suggesting that HRC (the City's consulting engineer) and the Fire Department comment on the appropriateness of gravel for the proposed use. The Building Department must also assess the condition of the existing asphalt to determine if any repair or replacement is needed.

Mr. Avantini stated with #8, a dedicated fire lane through the storage yard shall be provided for emergency services. While a fire lane has been shown on the site plan, it will be difficult to maintain since the surface is gravel. The large staging area in the center of the property could

easily extend into the fire lane since the surface area is gravel. Review and approval by the Fire Chief is required, and also note that the access easement associated documentation for the existing cell tower must be shown too.

Mr. Avantini indicated we also have some specific conditions for the major automotive repair and said many of these items he had already talked about as it relates to that. So he was going to jump ahead of that rather than be redundant and told the commission if they had questions on that after he would answer them for them.

Jumping to the site plan review, he said once again this is a use that is unusual. It is not something you encounter every day. We run into those uses occasionally, and that is where the determination is made by the Building Official as to what it most closely fits into. As a result we dealt with it appropriately and have indicated in here a use statement, and our primary concern with a use statement is that the use in our opinion is not being conducted primarily in an enclosed building and leaves a lot of questions in our mind. We have talked about the screening, talked a bit about the access and circulation and that it is difficult to control with the gravel surface. As far as turning movements go, the Fire Department did not find it acceptable. Screening, we have indicated in here that there are some options for them to use an obscuring wall around the property; and we have given a photo that shows one possibility for that screening. We have also indicated in here too that the City would have to determine if a sidewalk along the West Road frontage is required at this time. With waste receptacles, a 10x10 foot trash bin for general waste located behind the existing masonry wall and proposed screen fence is proposed. Bins and containers will be utilized for recycled materials. No open outdoor storage of any rubbish or waste is permitted; and therefore all by-products of the recycling operation must be contained within buildings, enclosures, containers, bins and etc. So that is a requirement of the ordinance. Mechanical equipment and utilities must all be screened, and additional plantings to screen the transformer in the front yard are required. With exterior lighting, no modifications are proposed on the site plan for the lighting. If there are any changes proposed to the lighting it would have to be approved by us administratively. We have indicated in here the requirements for landscaping under #12 (two items). One is irrigation is required for landscape areas; and all landscape areas have to be covered by grass, living ground cover, or mulch. That would have to be noted on the site plan also. Under building design and appearance, to improve the appearance of the property we are recommending that the garage be painted. Under storage facilities we have indicated details including elevations of storage containers, bins and tanks must be provided to determine the level of screening that is necessary.

Mr. Avantini said with all of that, based on this analysis, we are finding that the special land use requirements for outdoor storage and major automotive repair have not been met; and therefore denial must be recommended. In particular, the open outdoor staging area for cars and the process of recycling does not meet the standards of the two sections identified in our letter. Storage for wreck vehicles and dismantled automobile parts must be conducted completely within an enclosed building. A paved surface for the outdoor storage has not been provided. Fire lanes and setback dimensions may not comply with requirements. Complete screening and landscaping have not been provided as required. We have also indicated that more information on the principal uses of the automotive recycling operation must be provided to determine if all proposed operations associated with the use are permitted in the M-1, Light Industrial District. We have also indicated in the letter that if all the activity and operations of the automotive

recycling use were located primarily in a large building the use might meet more of the conditions identified in here. Basically to sum it all up what we are saying is if they had gone and acquired a property that is a large industrial building that has a small amount of outdoor storage and they moved more of these operations indoor and just had a small amount of the outdoor activity of the storage outside we think this is a use that would likely meet many of the conditions that are identified in the ordinance. But the fact that they are taking a very small building with a very large area and conducting a lot of these operations outdoors we think is what really causes us to question whether all the criteria are met and whether those standards can continue to be maintained. While we do have concern about this particular request we think if they were to either build a bigger building at this point in time as part of the review or if they were to find a site that had a large building where a lot of this operation can occur inside we think this would be a use that would be potentially acceptable in the district where they can keep a little better control over some of those activities, and Mr. Lipchik wouldn't have to be out there monitoring such a large outdoor storage area.

Mr. Avantini concluded his presentation by saying it was a pretty lengthy review. There are a lot of comments in here, and he would be happy to answer any questions about this. He thought maybe the commissioners had some observations that maybe we didn't think about either, and he would be happy to discuss those.

Chairman Day asked if there were any comments or questions for Mr. Avantini. He then asked if the applicant was present and asked him to come forward.

Neal Valentine stated he is the architect and said just to let you know we do agree; we have several items that do not comply. The current use of the property's outdoor storage is construction equipment, heavy trucks, cranes, supplies; and he is sure the commissioners are probably aware of it. He said it is an existing gravel lot, and we are not proposing any gravel. The landscape buffer is one. The sides and rear are not there, and to remove ten feet of gravel approximately two feet deep and put in top soil would be rather extensive; and he doesn't think at this time it would be wise to do.

As for the use, Mr. Valentine stated it is not an auto repair use. If you damage your car you would not bring your car here to get fixed. It is an industrial use. Most industrial use, if you are manufacturing, you are putting things together. You are creating another car or a product, and in this case we are taking a whole product and disassembling it, taking it apart in pieces and selling them as they come off. When the body or unusable parts are left they are moved from the site to another facility and taken away. The goal here was to use the property more or less as-is with minor site improvements like the landscaping out front, some additional screening as we were guided by the Planning Department and to leave the utilities as-is, the pavement more or less as-is. We are not changing surface run off, not changing utilities, and not changing structures.

Mr. Valentine said just to let you know when we first submitted plans we had maybe two rows of staging area. Some guidance from our initial meeting was to show more and show as much as you can so you don't need to come back in three or four months to ask for more. All of that might not be used, and he said he would let the potential owner explain that. There is no crushing of cars. All the work and taking apart the cars is done inside. Essentially Mr. Bashir buys the cars by different means, takes them inside the building, takes them apart and stores the

parts within the building or within the storage bins. The valuable parts are not left outside. They are too expensive to be left open to the weather, and then the parts that are not being used are shipped off the site.

Mr. Valentine indicated he had some photocopies of some of the equipment that is used and passed those around to the commission members. He stated we believe it is an improvement of the current property. The goal here (as business improves and in approximately three to five years) is to then build an 8,000 square foot typical industrial building with high bay warehouse shop and low bay office; and then at that time we know we would comply with current standards with full engineering review, full landscape and everything.

Chairman Day asked if there were any questions for Mr. Valentine, and at that time the business owner got up to speak.

Sam Bashir, 5634 Plantation Drive, Commerce Township, MI 48382, stated he owns Advanced Auto Recyclers. As far as the corporation that he started, he has a very successful business in Farmington Hills. His main business right now is automotive repair, and he said we specialize in import European cars. He has been trying to put something together like this for a long time, except it is so hard to explain what his vision is. He can sit down and tell you what was described for example about the operation he wants to do, but it varies from one business to another business. It can be run two different ways, actually ten different ways; but what he would like to do is the new generation of recycling. What he wanted to do is just the very, very baby steps, the very beginning of it just to actually be able to do something. His vision has a lot more of what he wants to do than what it is right now.

Mr. Bashir said he looked at this property, and the reason why is he came and asked Mr. Lipchik if there was anything in the City that was probably available that he could do such a thing. He sent him to a location that he went out and looked at, and there wasn't anything for him there. So he came back and asked him how about this piece of property. He has a vision for this property that not any person could see. The way he wants to do it, he has the passion for. What he wants to do is he is looking at it the way it is now. It is in very; very sad shape; and he said he did have some pictures of the property. What he wanted to do is he wanted to start a recycling center. A recycling center can be explained in a bunch of different ways. For example, there are people that call themselves recyclers. They do recycle some materials, but not every single thing. His vision of recycling is totally different. He wants to recycle every part, not just every part but including the fluids. There is so much that is involved in his way of doing this. He spends a lot of time studying and trying to figure out what is the most efficient way, and what these days is being used as left-over vehicles. There is more than just parts. There are parts and there is a lot more. There is fluids that could be used to burn to create heat, and he does have a complete system and a brochure for the system that he could install in the building to actually use the waste oil.

Mr. Bashir stated as was mentioned, as far as worrying about the cars leaking on the gravel, it is stated in his proposal that no car is going to be put on the gravel without being completely drained. There is not going to be any antifreeze, engine oil, transmission fluid, differential fluid, none of that. It is all going to be out of it. He needs it. He is getting paid for the antifreeze, getting paid for the Freon, getting paid for the catalytic converters. He uses the oil for his heat,

and he uses the gas for his equipment that is going to be running inside. He doesn't want it to leak outside because that is his money, and that is his profit. Believe it or not, it saves you a lot.

Mr. Bashir indicated that is one portion of it, and it comes down to whether it is a normal auto dismantling. No, it is not; and he doesn't want it to be, and we all can remember an auto salvage yard. It can be really ugly and really nasty with cars piled up on top of each other. Just walking around you could get hurt if something falls on you. This is not how this is going to be. This is strictly for high end vehicles. This is not for a \$50 car that somebody picks up the phone and says lets see how much this junkyard will give me for this car. The average cost of one of these cars will exceed \$3,000 to \$5,000 because they are all high end import cars. His way of doing this is not your typical way. The reason why this whole thing (including the actual containers we are talking about in the proposal that will be sitting over there) is the first stage of his operation. He doesn't want the parts to lie outside and get damaged. That is the reason why he said he will get the containers. He will put a slab of concrete underneath it because as he talked to Mr. Lipchik he said you cannot put the containers on the ground, and he said "Okay, what do I have to do?" and he said he has to lay cement and put it on top of the cement.

Mr. Bashir doesn't want to keep it the way it is because it is not how it is supposed to be with a bigger building, high ceiling and a front office in the near future if things work out good. Every part is going to be inventoried from day one in the computer system. It is going to be tagged and it is going to be placed inside the containers. There is going to be shelving inside the containers. There is no way for him to sit down and say he will do all of this overnight because it is not going to happen. He just wants to do it in baby steps. He wants to start it, and the next phase is when the building would be set up. At that point all the stuff that has to be done will be done. If he has to put a paved parking lot to put the cars it is an investment for him. It would be easier to clean and will be a lot less mess and easier to drive on, and he doesn't want to be stuck in the mud either. So it is not something that he is looking to do just because he wants to do it or leave it the way it is and just ride it until she dies. No, that is not what he wants. It is going to be his property. He wants to improve it. He wants to make it better, and he wants to make it the best shape that it could be.

Mr. Bashir said with the pictures he submitted you guys can look at it and you guys can see that there are cranes that are 100 feet plus, and you can see them off of Beck Road. We are talking about 12 feet. He doesn't even think he is going to even hit 12 feet. He doesn't think anything he has is going to hit 12 feet. The average height of a car is probably five feet if that and the fence that he has proposed is eight feet high, which is a vinyl fence that looks like a masonry fence because he wants to make it look nice. He knows that this is an investment for him that he will be able to use in the future, and he is going to slowly build it up and make it better and better.

Mr. Bashir indicated he was just trying to figure out a way where it is possible for him to get in there and slowly get his operation going to see what he could do and if he can do what he did for his first business. His business that he has in Farmington Hills he started almost seven years ago and it is more than four times bigger now in less than two years. He improved it. He has state of the art equipment. He has a state of the art facility, and he doesn't cheap out or try to save money. He likes to have nice stuff because this is his stuff, his pride, his baby. This is what he

is trying to do and whether this is going to take up to five years eventually he is going to try to get it over there.

Mr. Bashir stated he has a business that could support what he is doing as an operation that will help him out. He has a business that is capable of using the materials that he will be taking out of this business. They are both going to be benefiting each other, and that is his goal. That is what he is trying to do. Like he said, it is really hard to see the vision that he has, but you have to picture it not from the ugly side of it because it is so hard to picture it as being what it is because it is not the most beautiful thing. There was one thing that he had mentioned on his proposal that the vehicles once they turn into shells, once he does take the doors, engine and transmission off (inside the facility not outside the facility) the vehicle will be dismantled. That is the whole point. That garage is a temporary garage and is too small of a garage, and he knows it is; but it will do for right now for a small operation. After that the vehicle will be moved. He does have a pending deal on another location that he can store his shells indoors, and that is basically what he is trying to do. So this will be the first portion of it, the first phase of it; and then after that he moves on to the second phase. Now he doesn't think that anybody that can see his vision and look at the property right now can actually see it and say you know it is much of an improvement. It will be a huge improvement, and he is not looking to contaminate or do anything to the gravel or to the soil because he is going to be draining. Including the fuel, everything is going to be drained. If everything is going to be drained she is not going to leak. What is she going to get it from? There is nothing else to leak on the gravel. Mr. Bashir said that is basically the best that he can put it.

Mr. Valentine just wanted to comment on the fire lanes that we can easily provide some guard posts or buffer blocks or something to help define it. His equipment needs to circulate around the site too.

Mr. Bashir stated he actually needs his equipment to circulate around it. So the fact that it is going to creep out, well he won't be able to go around that to move the vehicles. These vehicles are not movable.

Chairman Day asked how long from the time a vehicle comes onto the site until it is dismantled to the point that it is shell. What kind of time frame are you looking at?

Mr. Bashir replied that it is hard to say, but this is what he can answer and he is going to try to get it as close as he could. He has friends in the business that do similar things that he does. There is a specific website to look up parts for vehicles all over the United States. It is called car-part.com and is available to anybody. He is not depending on a specific repair shop or a specific walk-in customer; it is not like that anymore. That has changed that market a lot. It has accelerated the dismantling procedure, and you don't have to leave a car a year before you finally say "You know what? I have sold everything out of this car. It is time for this car to go." It moves a lot faster. You need to understand we can be a lot more competitive as far as collecting your dollar. If you are selling something for \$100 another guy can. You can see it also on-line; and he has a junkyard, a salvage yard or a recycling center. Then he is going to drop it down to \$75 so the profit margin has gone less, but the movement has gotten better. So if he were to guess at it he would say three months is probably a good time to say that you've pretty much shelled it where you have sold a majority of the parts and the car is gone out of

there. I would say within 90 days if you haven't sold it within that time then you are doing something wrong. You need to really drop the price and just let go.

Chairman Day stated so you are basically saying the car will be dismantled as the parts are ordered.

Mr. Bashir said to let him go back. Once he sells a major component such as an engine or a transmission at that point once the car comes inside the shop he doesn't want to keep bringing it inside and outside the garage multiple times because that is a waste of time. So it is already inside. The car comes apart. The doors get removed, the interiors, the airbags and so forth. It all gets tagged and everything goes on the shelving in a container. That is how the system works. So upon selling a major component, he is not going to be bringing it in and out. That is not what he plans on doing. Once he gets the car he drains all the fluids out of it. He knows it is safe. It gets parked in the actual spot in the staging area; and as soon as that happens, everything gets inventoried in our data base. The whole world will see it, and then when we get a phone call asking to buy this engine. They purchase the engine. The car comes inside and everything comes off. Everything goes on the shelves, and the engine gets shipped out. When these specific cars get to that point they are going to go to his second location for storage because a lot of the stuff has been removed. Plus, once you remove the doors and everything he kind of doesn't want it to rain and weather to get in there because it is going to damage everything internally. Parts for European cars are very expensive. He is trying to kind of keep everything as good as possible and doesn't want to have them rot outside because they won't do him any good.

Chairman Day asked how many cars he anticipates having on site at any time.

Mr. Bashir stated like he said it is baby steps. He will probably say at the first year to two years it can't exceed 100 cars. He highly doubts it will because he will be shuffling them all the time.

Chairman Day asked how the cars are going to be moved once all the fluids are removed from them.

Mr. Bashir told him forklifts and said he is sure you have seen an average forklift, except this has bigger tires on the front and has really long forks. They go underneath between the front and rear wheels, pick up the car and move it to the location. There is more to it. Like he said, there is a lot more that has to do with vehicles than just actually the parts. There is more valuable stuff that day by day right now we are finding out that the price of everything has gone up, from steel to aluminum to copper to everything. Even the damaged radiators and condensers are being recycled now, and that is one thing that we have. One of them is going to be specifically for aluminum so it can be picked up. Nothing is going to stick out that high or pile up. There is never going to be a pile like a mountain. He has passed by scrap yards and has seen it. It is not like that.

Mr. Maher suggested that maybe for the best interest of time we could get some feedback from public.

Chairman Day agreed that would be appropriate at this time and asked if there was anyone from the audience that would like to address this case.

Louis Wagner stated he is the managing member of Positive Thinking. It is an LLC, and we own an industrial building that is directly south of this proposed special land use hearing. Our building is a decorative block building, and we built it about ten years ago in 1999 and have a tenant in there by the name Bolzer Tool which is a world Fortune 500 company that manufactures or produces industrial coatings to allow tools to last longer. So for instance if you have a drill bit and sometimes you might notice it has a gold coating on it. That is one of those special coatings that allow that drill bit to last longer. In their case (as Mr. Lipchik could tell you) they were proposing to add a 10,000 or 12,000 square foot addition to our facility to allow them to coat dyes that were going to be used for body panels for cars. So these are really big tools, but due to recent economic conditions they decided to put those plans on hold. But we worked diligently on this about a year ago.

Mr. Wagner said he took a look at this applicant's request, and his concern is the long term storage of these car bodies. Oftentimes steel goes up and down, and sometimes they tend to hold onto steel when prices are low and then sell it when the price is high. The applicant mentioned that he has a second facility where he planned to store these car bodies which may be stored, but he never mentioned where that facility was or if it is even contingent on this deal here occurring. It would seem to him that the applicant would be better off to have this facility where he intends to store these car bodies in the same location that he is doing his work, thereby saving him a lot of transportation costs.

Mr. Wagner went on to say the applicant mentioned the word recycling and that he had a vision, and the problem with recycling is it does not fit the M-1 use. He would like to see this guy succeed. It sounds like a good use, but it belongs in an M-2 zoning. The laws in the ordinance are pretty clear that a recycling center does not belong in an M-1 zoning. His other concern is outdoor storage. He understands that you can permit or ask the applicant to install an eight foot high fence, but he is allowed to store things that could be up to 12 feet high. So if we have car bodies or other things sticking out of this fence, plus if we decide we are going to give someone a lot of outdoor storage, he built three industrial buildings in this City. He has one on Center Oaks Court north off of Grand River. He has two buildings on the south side of West Road, one just recently sold. All of these buildings have paved parking lots, decorative block, nicely landscaped; and they all cost him \$60 to \$70 a square foot minimum. He has nice product and nice stuff in this City and doesn't want to see West Road changed. Granted, there are some cranes there and cranes don't look that bad, but when he hears about a vision he doesn't hear the architect say that he is going to improve the facility. He is getting a disconnect between the vision of doing something nice for the City and what they really intend to do here. He also had a concern about the cell tower. The tower is self-collapsing. He doesn't know if it collapses on this oil storage tank if there is any concern for fire. You would have to address that.

Mr. Wagner said he has had three tenants in Ferndale. He has a 40,000 square foot industrial building there, and those tenants were in the automotive repair business. One was pretty decent, but the other two were not good. The city threw out Ernest Lee, and this happened about a year ago. He was in the automotive business and stored vehicles on the gravel area in Mr. Wagner's surrounding area where he had some gravel, and they just finally got rid of them. He just had no

real good success with them. They don't always store their liquids properly. He is not saying this applicant would do that, but he just hasn't had a lot of good luck. Plus, he has a report that his environmental consultant wrote about automotive repair facilities; and you really have to be on these facilities to make sure they stay in compliance with all the requirements the state has.

He is aware of the importance of new jobs have in this community, especially nowadays, especially with the closing of the Wixom Ford Plant. He wants to see more jobs in this City, but he would just like to see them in a heavy industrial area rather than this light industrial area. In summary he thinks it would be short-sighted for the Planning Commission to permit a junk yard or an automotive recycling in an M-1 zoning. The decision could moniker the appearance of West Road for many years. It would certainly set a bad precedence for other special land use requests throughout the City especially allowing outdoor storage. Gosh, all of his tenants would beg him for outdoor storage; and outdoor storage is a premium. If we start letting people have outdoor storage what are we opening up here? He could understand a little bit outdoor storage, but not what we have here. There are so many things here on this application that don't seem to fit into this use, and it is hard to decide what questions to ask the applicant because there are so many things that he has to address here. At this point, Positive Thinking is totally against granting this applicant a special land use for recycling outdoor storage.

Mr. Kennedy requested Mr. Wagner to point out his property on the location map.

Chairman Day asked if there was anyone else that would like to address this case.

Ann Gilardone stated she owns the two businesses directly to the east of the applicant's property. She actually had some concerns, and Mr. Wagner addressed some of them; but after listening to Mr. Bashir she has actually more questions, some of which she thinks will be addressed if we see a landscaping plan, a better plan. She did see a plan that was drawn that Mr. Wagner provided for her. A lot was left off the plan, and she would like to see something more. She would like to see an obscuring wall on the east side of the business which is the one adjacent to hers. She understands Mr. Bashir has a vision, and she would like to know more about that vision. All she is hearing is the baby steps. Once he is in there and he has his vision, then what do we do? What if it is something we don't like? She needs to know more about that vision and what it is going to become. In the plan that she did see, there was a small staging area for cars. She was actually blown away when he said there could be baby steps starting at 100 cars because that staging area is not going to fit 100 cars. So she can guess it is going to go beyond the staging area, behind the area that was indicated on the plan.

Ms. Gilardone said she does have a question about something. He said when major components are sold then the cars are brought in and stripped. If a major component is not sold is that car sitting out there for a year or two years? The gentleman asked earlier how long it takes. Well, days a major component is sold. Okay, great, but if it is not sold then it sits there. Another thing about the shells, again Mr. Wagner brought up what happen to the shells if this other deal falls through. Maybe that should be in place first or maybe Mr. Bashir can address that. If that other deal does not come through what happens to those shells? Are they sitting there for an indefinite amount of time? Is there going to be any public access to the back or rear of the business? Her concern is the kind of type of person that is back there. Are they looking over the fence? Looking into her yard and looking to come back and take something at another time? We do

have some security on the property, but people jumping the fence. We have been broken into already twice; and all they do is jump the fence, come over and steal whatever they want. It is not that difficult. She guesses those are her major concerns. She wasn't aware and asked if burning waste oil is legal, and Mr. Lipchik replied yes.

Ms. Gilardone said she needs to see more. She needs to see a lot more. She knows when she wanted to move here in 1991 the hoops we had to jump through were amazing, and now she knows why those are in place. We improved the property. We are a construction company, and we do have some outdoor storage and she knows why they made us put up all those screen walls. When you drive down West Road and look at our property you don't see anything. That is nice, and that is what she would like to see Mr. Bashir do also.

Mr. Kennedy commented that she said she owns the two buildings to the east, and Ms. Gilardone replied that is correct.

Chairman Day asked if there was anyone else from the audience that would like to address this case. There being no further comments from the audience, he closed the public hearing for Special Use #09-007 at 8:26 pm. He then asked Mr. Bashir to re-approach the commission.

Mr. Kennedy stated he was talking about buying high dollar cars like Nissan and Lexus, and Mr. Bashir said actually he is going for European cars.

Mr. Kennedy asked if he is going to get these from an auction.

Mr. Bashir replied yes. There are multiple auto auctions that we buy insurance vehicles.

Mr. Kennedy asked how many he plans on getting at each one of these auctions.

Mr. Bashir stated it is so hard to say. Probably sometimes you pick up three or four of them a week. He is not planning on buying like was mentioned right now. There aren't as many European cars in the auctions as there are domestic Japanese cars.

Mr. Kennedy inquired if he has a facility down on Grand River just west of Middlebelt.

Mr. Bashir told him actually no. It is at the Ten Mile and Grand River intersection.

Mr. Kennedy asked how many stall garages he has there, and Mr. Bashir replied it is 13.

Mr. Kennedy said ok so you are looking at a place to supply your parts to and asked what he is doing there.

Mr. Bashir indicated more than just parts. His facility itself is going to the same thing as far as the clean burn system.

Mr. Kennedy stated but you do automotive repair.

Mr. Bashir replied yes both, but he is saying now that he can actually get the fluids to actually be able to use them he is going for that too; so more than just parts.

Mr. Kennedy stated it was said that he is having two 400 gallon tanks for holding these fluids and asked if they will be for waste oil.

Mr. Bashir stated one of them will have dirty waste oil, and the other one is for antifreeze.

When Mr. Kennedy asked what about gasoline and diesel fuel Mr. Bashir stated there is a brochure for the fuel container, and Mr. Kennedy stated that holds 30 gallons.

Mr. Bashir told him the fuel we are going to be pulling out of these vehicles we are going to be using ourselves.

Mr. Kennedy knows but said if he is going to be bringing in three or four cars a week and is only going to have a 30 gallon container, the thing he showed us only holds 30 gallons.

Mr. Bashir said yes that is true, but we are not planning on storing it all the time. As soon as we drain it out of the car, we can put it in our equipment or our cars. It is fuel we are planning on using right away. It really doesn't get to stay there. We are not planning on storing it.

Mr. Kennedy questioned if he has ever done anything with the automotive recycling before, and Mr. Bashir replied no. He asked if he had looked at it for a long period of time, and Mr. Bashir replied yes. He then asked him where he looked so he knows what he is planning to do. What models did you look at? Did you look at other places?

Mr. Bashir stated there is a place called Green Leaf which is a really big company. There is another company called RKQ which is also another big chain company. There is another company that is called Schram's Auto Parts in Waterford; and they are into similar to what his goal is to be where everything is neat, organized.

Mr. Kennedy inquired if he had looked at a place called Michigan Import Auto, and Mr. Bashir replied yes. He asked in talking to him how long it takes him to recycle a car.

Mr. Bashir indicated he knows Bruce at Michigan Imports for probably five years. He knows his business.

Mr. Kennedy asked again how long it takes him to take a car apart, and when Mr. Bashir said probably six months Mr. Kennedy pointed out that he said three months.

Mr. Bashir stated there is a difference between what Bruce wants to do and what he wants to do. You can run your business in different ways.

Mr. Kennedy commented he gets his cars from auctions also. So those are cars that have been in accidents, so when they come off the trucks aren't they leaking oil already?

Mr. Bashir said not necessarily.

Mr. Kennedy told him but that is necessary, and usually when they are in an accident and the engines are broke they will leak oil.

When Mr. Bashir said an engine doesn't break every single time in an accident Mr. Kennedy stated not every time but it does happen, doesn't it? And Mr. Bashir replied yes.

Mr. Kennedy asked if you take a car that is leaking oil and stick it back on that gravel where does that oil go and Mr. Bashir replied the ground. He went on to say if a car has been at the auction for that long the oil has already leaked out of it. It is not going to come and continue waiting until it comes to his property and then leak on his property. That doesn't make sense. It already got hit on the road, leaked out, went to the auction and sat over there for two months and probably leaked at the auction's property. It is not going to leak on his property.

Mr. Kennedy asked if there are any drains in the garage building, and Mr. Bashir said he did not even look at it.

Mr. Kennedy remarked that he was looking at the picture, and it looks like there is a drain in the garage. He asked if there is an oil separator.

Mr. Bashir answered no but said he is planning on installing an oil separator for that.

Mr. Kennedy asked when he thinks that would happen, before he moves in?

Mr. Bashir stated if that is what it takes he doesn't have a problem doing it. Now as far as the wall, there is a set up on that plan that says there is trees and landscaping to be put in; and his architect did that. The second thing is when he and Mr. Lipchik met originally he said he wanted a vinyl wall to be on the west side, and he agreed to it. Now it is a matter of privacy and a matter of making it look better and wanting the wall to be installed all the way around. He doesn't have a problem doing that. It wasn't asked for him to do.

Mr. Kennedy asked if these three trailers that he also is going to have in the back are just strictly for storage of parts, and Mr. Bashir replied yes.

Mr. Kennedy asked what happens when those get full and he has other cars still coming in. He talked about having this other place to take the shells, but he actually doesn't have that place yet does he?

Mr. Bashir stated he does have it.

Mr. Kennedy said you told us you didn't and added that he wrote it down as he said it. He has it in the works to get, and Mr. Bashir replied no. He then asked where this location is., and Mr. Bashir stated 7401 Linden Road, Detroit, MI.

Mr. Kennedy asked why he doesn't do the auto recycling there.

Mr. Bashir told him it is not a safe area, He has four kids and doesn't want to get killed over there, but for him to store a shell over there no one is going to steal it. The most important parts are already out of it.

Mr. Kennedy asked if he owns that right now, and Mr. Bashir replied he has it on contingency.

Mr. Kennedy commented that means yes or no and asked if he owns it now.

Mr. Bashir told him no, he doesn't. He has a deal worked out with a guy. It is pointless to purchase it and not be able to use it. It is not \$50. It is a lot of money. It is a 16,000 square foot facility. If he can't utilize it then what is the point of him buying it?

Mr. Lupinacci thanked him very much for his presentation and said quite honestly he thinks Mr. Bashir can understand that we all want to do the right thing for the community. We want to do the right thing for the adjoining property owners. We want to do the right thing by him, but obviously as Mr. Wagner said there are so many issues that it is almost hard to figure out where to start. He said there is one issue that seems to be recurring throughout our consultant's report. The lack of a fully paved hard surface where he is going to have these vehicles stored is causing a lot of concern. Another issue that is causing concern that we just touched on is the lack of a full fence all the way around. There are concerns about the use of the outdoor storage and in lieu of a permanent building. So those are the three things that come to his mind. He asked if Mr. Bashir could touch on those three things just in terms of recognizing that those are the sources of significant concern that have been raised. He asked if he could touch on those and give his views.

Mr. Bashir stated he can 100% agree with him if what he wants to do is just buy these cars and just stick them over there. The fact that he is guaranteeing that he has a specific spot for a vehicle when it first comes in and a specific spot that he will be draining everything and a specific spot that the car is going to be parked. Now if it is going to be a huge issue where if he can have an allowance for time to be able to pave it in the future where he can actually start getting his operation in motion he doesn't have a problem paving a designated area to have the cars. It is perfectly fine; he will do it. It would be way too costly and it will destroy him because he needs the working capital to purchase the vehicles, to get the vehicles, and to get his operation going. For him to actually take the money that he has and dump it into paving and stuff, he just has to be careful for the time-being until he gets the flow going. Then that would be different. He doesn't have a problem paving his property; it is his property. It is not like he is renting and doesn't care about it. He doesn't want it to be contaminated. He wants to own it for years and years and make it better and improve it. They are talking about nice buildings over there. It is so hard to tell somebody that. Like what the gentleman said a little while ago about the cranes are not so bad. That property is a lot more than just cranes. The worst thing he could do will look better than what that property will be which is never going to happen because he wants a nice image. His future plans, what he would like to do with an 8,000 square foot building will probably be nicer than the buildings they are talking about, that they are bragging about, which is fine; but there is no way for him to prove it. There is no way for him to actually convince. The only thing he can do is prove himself in the future, and he has done that before in his business. If there is a way where you guys will share with him what he is seeing and what he wants to do in the future you guys will get to witness it, and they will probably get to witness it. They are

talking like he is going to leave cars up front with parts out of them. They are not even going to see anybody or anything because the cars are a lot less than the actual height, and the highest thing that he is going to put over there is the containers which are stored behind the building which is 10 feet high. It is making such a concern when in reality what he wants to do is make it a lot better than what it is, and for the years to come to be even better and better but he can't do it just walking into it.

Mr. Lupinacci said he understood his point and quite honestly anyone that looks at the existing property in its current condition he's sure would agree it is blighted. One of the things we have to be sensitive to is that even though he is saying this will be an improvement (it probably would) but the eyes of some in the community will still be seeing the establishment as a junkyard.

Mr. Bashir commented that is a sad thing because it is not really a junkyard.

Mr. Lupinacci said he understands that, but in the inception to have 100 wrecked vehicles.

Mr. Bashir indicated he said up to 100 cars. This area is not even because he is giving a worse case scenario. It is planned for less than a hundred cars, but it is worse to actually say he is going to have 75 and then later on he is going to have 100. For him to stand over here marking 75 cars and saying he is probably going to have up to 100, he is actually extending it and giving it the benefit of the doubt. He is actually going worse case scenario, but yet he is being punished for it. The plans itself doesn't even show that because as she stated 100 cars and they are worried about it. They are not going to be stacked up on top of each other, and he doesn't think anyone is going to see what happens inside. She is worried about it, and he doesn't blame her. He sees where she is coming from. He has been in this for 19 years of his life. It is not like he just started it or it just clicked or stumbled on some cash and let him do it. He studied it. He worked at one of these places so he knows how it is and is very familiar with Michigan Imports, but frankly he will never do what Michigan Imports does because it is an absolute disaster. They cannot find anything. Half of their parts are not inventoried. The cars can sit over there for five years, and they don't even care. He will tell you what. If he doesn't sell the part that he inventories after 90 days he programs his computer to drop the price automatically because he wants it to leave. So after 90 days if the part doesn't sell it starts dropping automatically. The reason behind it is because he doesn't want to sit on it. He doesn't want to sit down and just come in every day and look at the same car. He has lost money. If it stays more than 90 days on his shelf he has lost on that part. That is no good. He doesn't want it. He doesn't want to have 50 of every single thing. He only wants to have one thing of everything, maybe two. That all he wants to do.

Chairman Day commented he thinks we are kind of getting bogged down on the minutia here instead of the overall issue of whether or not this is an appropriate use and whether or not this amount of outdoor storage is appropriate. Frankly, the most compelling argument Mr. Bashir has is the photos of the property as it currently exists. He understands that he can't prove what his intentions are and we can't guarantee the business is going to exceed and he is going to be able to build this enclosure and do this indoors which is the way it really should be done. He applauds his passion for this and thinks it is a terrific business model. He just doesn't think this is the place for it. He thinks the degree of outdoor storage he is talking about does set a bad

precedent for the M-1 district. We are talking about a business that is actually primarily outdoor storage at this point, and he doesn't think it is appropriate in the M-1 district. He really thinks this is a business that can and should succeed, but he thinks we are getting bogged down in the minutia of screening and the height of storage containers instead of looking at the issue of whether or not this is even an appropriate use for this district, and his feeling is that it is not.

Chairman Day questioned if in fact it is the sense of the commission that it is not good to spend time basically building up false hope that if he meets this condition and that condition this is going to go through. He doesn't think it is possible to under the business motto that he has to meet all the conditions that would essentially eliminate this degree of outdoor storage. It just can't happen here without building a building to house the vehicles and the parts. If this were a situation where you could bring a car in, strip it down and store everything indoors and then get rid of the shell and this is going to take place over a week or two, that would be a terrific type of business he would like to see in the City; but that is not where he is at this point. It might be where he is going to get to eventually, but we can't guarantee that; and as we all know, once the business is in and operating it is there. That is basically his problem with it.

Mr. Maher and Mr. Kennedy agreed with Chairman Day.

Mr. Carter stated that was one of his thoughts as well. It is easy to see the passion Mr. Bashir has for what he intends to do here and it is very compelling, but as he is looking through a very well laid out report by our consultant it is actually very obvious that our hands are tied here. Our job is to insure that everything that comes before us meets our zoning ordinance, and right now there are just so many things that we can't really honestly say yes it is okay to do because we are not allowed to as he sees it.

Mr. Maher thought just for clarifications, just looking at the community at large, he thinks Chairman Day summarized this very well. He just doesn't believe it is the right fit. There may be some other areas here in Wixom or maybe in a neighboring community here that it may be the right fit. It is just unfortunate. He thinks Mr. Bashir has a good motto and he certainly appreciates it, and he certainly does have passion. He certainly has a passion in his business as well, so he can appreciate that. He thinks the community at large is what we have looked at in whole, and he just doesn't believe it is the right fit.

Mr. Kennedy explained that what he did was he went by the nearest place that was close to where he works and stopped in and asked some questions on how the place operated. Obviously Mr. Bashir has known the man longer than he has, but like he said he walked in and asked the questions. He doesn't know what the man's name was that showed him around, but that is where he got the information. He said if Mr. Bashir has a friendship with this man he is not trying to interrupt anything. He was trying to understand how this thing works.

Mr. Bashir told him oh no. It can be run different ways, and he has seen how he does it; and that is not what he is looking to do.

Mr. Avantini stated in hearing a number of comments he too thought it is a very good business motto, and it is compelling and has a lot of potential. In terms of the way it has been presented and meeting the conditions of the ordinance which ultimately potentially could be met at this

point in time they are highly dependant on the personal circumstances of the applicant. When we review applications like this we can't make them dependant on personal circumstances of the applicant because things happen to people. People get ill for an extended period of time. Things don't work out the way we wanted them to work out, and that is why ordinances are written in such a way where you have to make these changes up front. You have to do it now. You can't wait until later to do these things because things happen. He just wanted to make it clear that in terms of our review of this it is not that we didn't think the proposal had the potential to meet the ordinance requirements. We just didn't think that at this point in time they met those because of what was heard this evening.

MOTION and second by Mr. Lupinacci and Mr. Carter that Special Use #09-007, Sam Bashir, Advance Auto Recyclers for the property at 47000 West Road, Wixom, MI 48393 be denied for the reasons laid out within the Planning Commission brief, the reasons laid out in the letter from the Department of Police and Fire Services, for the comments within the public hearing and for the discussion by the commission itself.

VOTE:

MOTION CARRIED

CALL TO THE PUBLIC:

There were no comments made by the public.

STAFF COMMENTS:

There were no comments made by staff.

COMMISSION COMMENTS:

There were no comments made by the commission.

ADJOURNMENT:

This meeting of the Wixom Planning Commission was adjourned on motion and second by Mr. Kennedy and Mr. Maher at 8:51 pm.

Jennifer Garrett
Recording Secretary