

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, FEBRUARY 5, 2008

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN  
DEAN AUSILIO, VICE CHAIRMAN  
MICHAEL D. KOEHS, SECRETARY  
JOA PENZIEN, MEMBER  
ARNOLD THOEL, MEMBER  
JASPER SCIUTO, MEMBER

ABSENT: CHARLES OLIVER, MEMBER

ALSO PRESENT: Jerome Schmeiser, Planning Consultant  
*(Additional attendance on file at the Clerk's Office)*

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

1. Clerk KOEHS called the roll and Member Charles Oliver was absent. All other members were present.

**APPROVAL OF THE AGENDA**

2. The agenda was reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by PENZIEN seconded by AUSILIO to approve the agenda as presented.**

**MOTION carried.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**

3. The minutes of the previous meeting held on January 16, 2008 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by AUSILIO seconded by PENZIEN to approve the minutes of the meeting of January 16, 2008 as presented.**

**MOTION carried.**

**AGENDA ITEMS**

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4. **Request for a Rezoning; O-2 (Office High Rise) to C-2 (Commercial, General);** Located on the north side of Hall Road, approximately ½ mile west of Heydenreich Road; Section 33; Sal-Mar Macomb Corporate Center – Petitioner. Permanent Parcel No. 08-33-400-043.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Joseph Biondo, representing the petitioner, was also present to answer any questions which the Commission might have.

**MOTION by AUSILIO seconded by PENZIEN to recommend approval of the rezoning; O-2 (Office High Rise) to C-2 (Commercial, General); Located on the north side of Hall Road, approximately ½ mile west of Heydenreich Road; Section 33; Permanent Parcel No. 08-33-400-043 for the following reasons and with the following notations:**

1. **The proposed rezoning is consistent with the goals of the Master Plan.**
2. **The proposed rezoning is consistent with the development of the surrounding properties.**

**It is noted that the C-2 zone will provide for a 6' high wall and a 40' wide greenbelt between the proposed commercial development and all abutting residential areas.**

**MOTION carried.**

5. **Ground Sign for BP Gas Station;** Located on the northwest corner of Hall Road and North Avenue; Section 35; Aver Sign Company – Petitioner. Permanent Parcel No. 08-35-477-044.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Robert Topor, representing the petitioner, was also present to answer any questions which the Commission might have.

**MOTION by KOEHS seconded by THOEL to approve the ground sign for BP Gas Station; Located on the northwest corner of Hall Road and North Avenue; Section 35; Permanent Parcel No. 08-35-477-044 with the standard conditions:**

1. **That Section 10.0319 of the Zoning Ordinance be met.**
2. **That the ground sign be limited to 35.4 sq. ft .**

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3. That a \$500 cash bond be posted assuring the construction of the sign as approved.
4. That the petitioner must move the sign out of the utility easement or obtain an easement encroachment agreement from the Township Board.

**MOTION carried.**

6. **Site Plan for Rite Aid Drugstore and Office;** Located on the southeast corner of 24 Mile Road and Hayes Road; Section 18; Antoine Abi Raji – Petitioner. Permanent Parcel No. 08-18-100-026.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Robert Davis, representing the petitioner, was also present to answer any questions which the Commission might have.

Ms. Violet Magnan and Mr. Harold Kramer, who live in the abutting residential neighborhood, expressed their concerns.

**MOTION by AUSILIO seconded by PENZIEN to approve the site plan for Rite Aid Drugstore and Office; Located on the southeast corner of 24 Mile Road and Hayes Road; Section 18; Permanent Parcel No. 08-18-100-026 with the standard conditions of the Planning Commission, including:**

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones (a cobblestone measuring 3-8" in diameter are allowed) or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.

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**That all lawn areas including the front yard, side yard setbacks, rear yards, the areas between the sidewalk and curbs, and planting beds to be planted with grass and trees and maintained. The term grass means “pre-grown grass” referred to as sod. Seeding of grass areas is not allowed. This standard is derived from the land division ordinance section 17-162A14b(11).**

- 4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
- 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**
- 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.**
- 9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the “As Built Plans”. The “As Built Plan” will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.**
- 10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).**
- 11. That all signs be designated on the site plan and meet the Township requirements.**

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12. That the petitioner meets with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.
20. That all requirements of the Zoning Ordinance be met.
21. If the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.

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22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.
24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

In connection with splitting, combining or otherwise amending the site plan, that any master deeds prepared in connection with said site plan be amended. The amended master deed, including Exhibit B documents, must be submitted to the Township Clerk's Office for review in accordance with Township procedures. The recorded document must be received prior to issuance of building permits.

The same procedure would follow for a revision to the site plan.

25. That all lawn areas must be developed in accordance with the zoning ordinance section 10.2402-B-6 which refers to the landscaping design standards of the Township Land Division Ordinance; Sec. 17-162-(b)(11) as amended which provides that all areas must be sodded and irrigated with pre-grown grass which include the areas of the property which also includes the road right-of-way.
26. The ground sign or wall sign(s) are not a part of this approval.

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27. **A revised plan must be submitted and approved prior to the construction of the future office/retail building.**
28. **That the second row of evergreens along the east and south property lines be doubled in number.**

**MOTION carried.**

7. **Extension of Time; Milano Industrial Subdivision Lots 16 and 17;** Located on the west side of Regency Center Drive, north of 23 Mile Road; Section 18; Leone Construction – Petitioner. Permanent Parcel No. 08-18-455-003 and 08-18-455-004.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

**MOTION by THOEL seconded by AUSILIO to approve the extension of time for Milano Industrial Subdivision Lots 16 and 17; Located on the west side of Regency Center Drive, north of 23 Mile Road; Section 18; Permanent Parcel No. 08-18-455-003 and 08-18-455-004 for a period of one (1) year to expire on January 3, 2009.**

**MOTION carried.**

8. **Ground Sign for Walgreen’s Pharmacy;** Located on the southwest corner of 21 Mile Road and Card Road; Section 34; Metro Detroit Sign – Petitioner. Permanent Parcel No. 08-34-228-0001.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Paul Deters, representing the petitioner, was also present to answer any questions which the Commission might have.

**MOTION by KOEHS seconded by PENZIEN to approve the ground sign for Walgreen’s Pharmacy; Located on the southwest corner of 21 Mile Road and Card Road; Section 34; Permanent Parcel No. 08-34-228-001 with the standard conditions:**

1. **That Section 10.0319 of the Zoning Ordinance be met.**
2. **That the ground sign be limited to 32 sq. ft .**
3. **That a \$500 cash bond be posted assuring the construction of the sign as approved.**

**MOTION carried.**

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9. **Special Land Use for Potbelly Sandwich Works;** Located on the north side of Hall Road, ½ mile west of Romeo Plank Road; Section 32; Charles Tanner – Petitioner. Permanent Parcel No. 08-32-400-019.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Ryan Townsley, representing the petitioner, was also present to answer any questions which the Commission might have.

**MOTION by AUSILIO seconded by PENZIEN to approve the special land use for Potbelly Sandwich Works; Located on the north side of Hall Road, ½ mile west of Romeo Plank Road; Section 32; Permanent Parcel No. 08-32-400-019 be approved for Potbelly Sandwich Works and must comply with all of the standards set forth in Section 10.2401(B)(5)(a) and the special conditions listed as follows:**

1. **The proposed special land use shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**
2. **The proposed use shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.**
3. **The proposed use shall be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.**
4. **The proposed use shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.**
5. **The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons,**

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**continuity of development, and need for particular services and facilities in specific areas of the Township.**

6. **The proposed use is necessary for the public convenience at the proposed location.**
7. **The proposed use is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.**
8. **The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.**
9. **The hours of operation shall not be past 10:00 p.m.**
10. **No outdoor eating will be permitted or allowed.**
11. **No alcoholic beverages will be consumed on the premises.**
12. **The benefit fees owed to the Water & Sewer Department in the amount of six thousand two hundred forty dollars (\$6,240.00) will be paid before any permits for occupancy are issued.**

**MOTION carried.**

10. Motion to receive and file all correspondence in connection with this agenda.

**MOTION by PENZIEN seconded by THOEL to receive and file all correspondence in connection with this agenda.**

**MOTION carried.**

**PLANNING CONSULTANTS COMMENTS**

None

**PLANNING COMMISSIONERS COMMENTS**

None

**ADJOURNMENT**

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**MOTION by PENZIEN seconded by SCIUTO to adjourn the Planning Commission meeting at 7:55 p.m.**

**MOTION carried.**

Respectfully submitted,

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Edward Gallagher, Chairman

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Michael D. Koehs, CMC  
Macomb Township Clerk  
Planning Commission Secretary