

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, May 5, 2009  
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LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN  
DEAN AUSILIO, VICE CHAIRMAN  
MICHAEL D. KOEHS, SECRETARY  
CHARLES OLIVER, MEMBER  
TONY POPOVSKI, MEMBER  
NUNZIO PROVENZANO, MEMBER  
JASPER SCIUTO, MEMBER

ABSENT: NONE

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 AUSILIO was absent.

**APPROVAL OF THE AGENDA**

*(Member AUSILIO arrived at 7:01 p.m.)*

2. The agenda was reviewed and there were no additions, corrections or deletions.

**MOTION by SCIUTO seconded by PROVENZANO to approve the agenda as presented.**

**MOTION carried.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**

3. The minutes of the previous meeting held on April 21, 2009 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by POPOVSKI seconded by OLIVER to approve the minutes of the meeting of April 21, 2009 as presented.**

**MOTION carried.**

**AGENDA ITEMS**

4.  **EXTENSION OF TIME – Harmony Acres Subdivision;** Located on the south side of 24 Mile Road, ¾ mile east of Romeo Plank Road; Section 16; Joseph VanHaverbeck, Petitioner. Permanent Parcel 08-16-200-014.

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

**MOTION by OLIVER seconded by AUSILIO to approve the extension of time for Harmony Acres Subdivision located on the south side of 24 Mile Road, ¾ mile east of Romeo Plank Road in Section 16, Permanent Parcel 08-16-200-014 for a period of one (1) year, with the understanding that all earlier conditions remain in full force and effect, as follows:**


1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;
  - a. Macomb County Road Commission
  - b. Office of Public Works Commission of Macomb County
  - c. Macomb County Health Department
  - d. Macomb County Planning Commission
  - e. Michigan Department of Environmental Quality
  - f. All public utility companies affected.
  - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval shall be incorporated into the Final Preliminary Plat.
5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinances.

- 6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
- 7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
- 8. That the “20 ft. common area for landscaping purposes” be developed in accordance with the provisions of the Land Division Ordinance of Macomb Township. A plan for the area must be prepared by a registered landscape architect and include a layout of plants proposed for the area, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.**
- 9. That a bond in the amount of \$30,000 be posted assuring the development of the “landscape easement.” The “landscape easement” is that area to be labeled on the plat as, “The entire common area is subject to a private easement dedicated to the ownership association for landscaping.” The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.**
- 10. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.**
- 11. All street names must be cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. Therefore, the petitioner shall submit two (2) copies of the plat to the Supervisor’s Office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.**
- 12. That the petitioner submits two (2) copies of the restrictive covenants that will be recorded with the plat. Said covenants must include an article to**

**provide the perpetual maintenance of all limited common that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.**

**If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.**

**MOTION carried.**

5.  **REZONING REQUEST – Residential One Family Suburban (R-1-S) to General Commercial (C-2) – Located on the southeast corner of 25 Mile Road and Romeo Plank Road; SKL Investment Company, Petitioner. Permanent Parcel No. 08-08-101-020.**


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

Mr. Patrick Meagher and Mr. Anthony Urbani, representing the petitioner, were also present to answer any questions which the Commission might have.

**MOTION by KOEHS seconded by SCIUTO to deny the rezoning request for Residential One Family Suburban (R-1-S) to General Commercial (C-2) located on the southeast corner of 25 Mile Road and Romeo Plank Road, Permanent Parcel No. 08-08-101-020 for the following reasons:**

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan.**
- 2. The proposed rezoning is inconsistent with the development of the surrounding properties.**
- 3. Section 10.1602 of the Zoning Ordinance does not provide for a residence to exist in a C-2 commercial zone.**
- 4. The current size of the parcel in question is 141' (the zoning ordinance does not include r-o-w for 25 Mile Road as frontage) x 387'. The zoning ordinance Section 10.1605 requires that a C-2 zoned parcel must have 200' of frontage.**

**MOTION carried.**

6.  **REZONING REQUEST – Residential One Family Suburban (R-1-S) to General Commercial (C-2)** – Located on the east side of Romeo Plank Road, approximately 141 feet south of 25 Mile Road; Ozzad Property Management, LLC, Petitioner. Permanent Parcel No. 08-08-126-009.


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

Mr. Patrick Meagher and Mr. Anthony Urbani, representing the petitioner, were also present to answer any questions which the Commission might have.

**MOTION by KOEHS seconded by POPOVSKI to deny the rezoning request for Residential One Family Suburban (R-1-S) to General Commercial (C-2) located on the east side of Romeo Plank Road, approximately 141 feet south of 25 Mile Road, Permanent Parcel No. 08-08-126-009 for the following reasons:**

1. **The proposed rezoning is inconsistent with the goals of the Master Plan.**
2. **The proposed rezoning is inconsistent with the development of the surrounding properties.**
3. **Section 10.1602 of the Zoning Ordinance does not provide for a residence to exist in a C-2 commercial zone.**
4. **The parcel has 162' in width. The zoning ordinance Section 10.1605 requires that a C-2 zoned parcel must have 200' of frontage.**

**MOTION carried.**

7.  **REZONING REQUEST – Residential One Family Suburban (R-1-S) to General Commercial (C-2)** – Located on the east side of Romeo Plank Road, approximately 304 feet south of 25 Mile Road; Ozzad Property Management, LLC, Petitioner. Permanent Parcel No. 08-08-126-010.

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


Mr. Patrick Meagher and Mr. Anthony Urbani, representing the petitioner, were also present to answer any questions which the Commission might have.

**MOTION by KOEHS seconded by OLIVER to deny the rezoning request for Residential One Family Suburban (R-1-S) to General Commercial (C-2)**

located on the east side of Romeo Plank Road, approximately 304 feet south of 25 Mile Road, Permanent Parcel No. 08-08-126-010 for the following reasons:

1. The proposed rezoning is inconsistent with the goals of the Master Plan.
2. The proposed rezoning is inconsistent with the development of the surrounding properties.
3. Section 10.0331-(8) of the Zoning Ordinance indicates that an accessory building may not occupy a parcel without the presence of a principal building.
4. The current width of the parcel in question is 82 feet. The zoning ordinance Section 10.1605 requires that a C-2 zoned parcel must have 200' of frontage.

**MOTION carried.**

8.  **REZONING REQUEST – Residential One Family Suburban (R-1-S) to General Commercial (C-2)** – Located on the east side of Romeo Plank Road, approximately 386 feet south of 25 Mile Road; Ozzad Property Management, LLC, Petitioner. Permanent Parcel No. 08-08-126-011.

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

Mr. Patrick Meagher and Mr. Anthony Urbani, representing the petitioner, were also present to answer any questions which the Commission might have.

**MOTION by KOEHS seconded by OLIVER to deny REZONING REQUEST – Residential One Family Suburban (R-1-S) to General Commercial (C-2) – Located on the east side of Romeo Plank Road, approximately 386 feet south of 25 Mile Road; Ozzad Property Management, LLC, Petitioner. Permanent Parcel No. 08-08-126-011 for the following reasons:**

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

3. **The width of the parcel in question is 82'. The zoning ordinance Section 10.1605 requires that a C-2 zoned parcel must have 200' of frontage.**

**MOTION carried.**

9. **REZONING REQUEST – Agricultural (AG) and Residential One Family Suburban (R-1-S) to General Commercial (C-2) – Located on the south side of 25 Mile Road and east of Romeo Plank Road; Ozzad Property Management, LLC, Petitioner. Permanent Parcel No. 08-08-127-001.**

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

Mr. Patrick Meagher and Mr. Anthony Urbani, representing the petitioner, were also present to answer any questions which the Commission might have.

**MOTION by KOEHS seconded by OLIVER to deny REZONING REQUEST – Agricultural (AG) and Residential One Family Suburban (R-1-S) to General Commercial (C-2) – Located on the south side of 25 Mile Road and east of Romeo Plank Road; Ozzad Property Management, LLC, Petitioner. Permanent Parcel No. 08-08-127-001 for the following reasons:**

1. **The proposed rezoning is inconsistent with the goals of the Master Plan.**
2. **The proposed rezoning is inconsistent with the development of the surrounding properties.**
4. **Section 10.0331-(8) of the Zoning Ordinance indicates that an accessory building may not occupy a parcel without the presence of a principal building.**

**MOTION carried.**

#### **PLANNING CONSULTANTS COMMENTS**

None

#### **PLANNING COMMISSIONERS COMMENTS**

None

**ADJOURNMENT**

**MOTION by AUSILIO seconded by SCIUTO to adjourn the Planning Commission meeting at 8:03 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