

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, JULY 21, 2009

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 the entire Commission was present.

**APPROVAL OF THE AGENDA**

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

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

**MOTION carried.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**

3. The minutes of the previous meeting held on July 7, 2009 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by POPOVSKI seconded by PROVENZANO to approve the minutes of the meeting of July 7, 2009 as presented.**

**MOTION carried.**

**AGENDA ITEMS**

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4.  **Request for Special Land Use; Kroger's at Macomb Park** – Located on the southwest corner of 26 Mile Road and Romeo Plank Road; the Kroger Company, Petitioner. Permanent Parcel No. 08-06-202-001. *Tabled from 07-07-09 meeting.*

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated that the revised site plan clearly shows the outside display areas, and conforms to all special land use provisions. He further stated that the revised site plan meets the township ordinances and confirmed his recommendation of approval.

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

**MOTION by AUSILIO seconded by KOEHS to approve the request for Special Land Use for the Kroger's at Macomb Park located on the southwest corner of 26 Mile Road and Romeo Plank Road, Permanent Parcel No. 08-06-202-001 because it meets the requirements of Section 10.2401(B)(5)(a) 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 there from 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, 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.**

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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.

**MOTION carried.**

**MOTION by KOEHS seconded by SCIUTO to approve the revised site plan for the Kroger's at Macomb Park located on the southwest corner of 26 Mile Road and Romeo Plank Road, Permanent Parcel No. 08-06-202-001 with the standard and specific conditions as presented by the Planning Consultants as follows:**

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.

The use of small stones other than the 3-8" size are also prohibited in parking area islands, landscape strips between parking areas or in any setback areas.

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

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**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.**
12. **That the petitioner meet 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.**

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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.
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

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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 with pre-grown grass which include the areas of the property which also includes the road right-of-way.
26. That all drives and/or maneuvering lanes on subject property that connect to abutting parcels shall provide appropriate cross access documents that are consistent with the final approved site plan drawing. If the development is a condominium then the cross access documents shall be referenced within the master deed(s) of the affected parcel(s). All cross access documents must be reviewed and approved by the Township Attorney and properly executed prior to the approved site plan being forwarded to the Building Division for building permits.
27. With respect to a Certificate of Zoning Compliance for the property in question for a determined user, it is noted that this approval would also apply. If the originally approved user changes from the time of the site plan approval to the time of occupancy a separate Certificate of Zoning Compliance must be submitted to the Clerks Office. If however the approval is for a project which contains one or more units or if the building is speculative with no user named a separate application for a Certificate of Zoning Compliance must be submitted to the Clerks Office.

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28. That the areas set aside for outside storage, in industrial zones, as approved by the Planning Commission and required by the Zoning Ordinance, be fenced and gated in accordance with the standards of the Zoning Ordinance.
29. That the area which will be utilized for outdoor display will be painted in its entirety to distinguish definitively the exact area for display.
30. That no sales or cash registers will be utilized outside the main building.
31. The Special Land Use permit is granted for display only in the area indicated on the site plan.  
**MOTION carried.**

5.  **Request for an Extension of Time; Regency Commerce Center;** Located on the north side of 23 Mile Road approximately ½ mile west of Romeo Plank Road; Antonio Cavaliere, Petitioner. Permanent Parcel 08-17-300-014. *Tabled from 07-07-09 meeting.*

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated that the petitioner has not submitted the requested technical change application, and since the petitioner is not present this evening, he recommended that this matter be tabled.

**MOTION by KOEHS seconded by AUSILIO to table the request for an Extension of Time for the Regency Commerce Center to the Planning Commission meeting scheduled for August 4, 2009 and to instruct the Clerk to notify the petitioner by mail of the tabling and of the need for the technical change application.**

**MOTION carried.**

**PLANNING CONSULTANTS COMMENTS**

None

**PLANNING COMMISSIONERS COMMENTS**

None

**ADJOURNMENT**

**MOTION by OLIVER seconded by PROVENZANO to adjourn the Planning Commission meeting at 7:14 p.m.**

**MOTION carried.**

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Respectfully submitted,

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Edward Gallagher, Chairman

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