

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, MARCH 15, 2016  
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LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: CHARLES OLIVER, CHAIRMAN  
JASPER SCIUTO, VICE CHAIRMAN  
JULIANA PLASTIRAS, SECRETARY  
MICHAEL P. HARDY, MEMBER  
NUNZIO PROVENZANO, MEMBER  
AARON TUCKFIELD, MEMBER  
ROGER KRZEMINSKI, MEMBER

ABSENT: None

ALSO PRESENT: Thomas Esordi, Township Attorney  
Patrick Meagher, Planning Consultant  
*(Additional attendance on file at the Clerk's Office)*

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

**ROLL CALL**

1. Secretary PLASTIRAS 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 SCIUTO seconded by TUCKFIELD to approve the agenda as presented.**

**MOTION carried.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**

3. The minutes of the previous meeting held on March 1, 2016 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by TUCKFIELD seconded by HARDY to approve the minutes of the meeting of March 1, 2016 as presented.**

**MOTION carried.**

**PUBLIC HEARING**

**AGENDA ITEMS:**

4. **Preliminary Plan; Hailey's Ridge Site Condominiums;** Located on the east side of Romeo Plank Road, ¼ mile south of 21 Mile Road; Section 33; 46400 Romeo Plank, LLC, Petitioner. Permanent Parcel 08-33-151-003.

Patrick Meagher (Planning Consultant) stated Hailey's Ridge Site Condominiums would be constructed on a six (6) acre parcel and the petitioner is requesting seventeen (17) lots for this development. Mr. Meagher mentioned the detention pond would be located in the northeast corner of the site. Mr. Meagher stated the development has met all the previous concerns with regards to the roads and lot configurations and that is being recommended for approval.

Bill Moser (Apex Engineering Group, 2959 Rambling Way, Bloomfield Township, MI) was in attendance to answer any question regarding the Hailey's Ridge development.

Member Tuckfield had a question for Mr. Meagher regarding the comments from Mr. Hickey's Office and wanted to know if that concern was addressed. Mr. Meagher stated there was an error in the boundary description of the property. Mr. Meagher stated in the previous version the lot that was proposed to be split off on the southwest corner of the subdivision needed an additional five (5) feet. The five (5) feet were added and they never adjusted the rest of the dimensions, so there is a typo. Mr. Meagher stated this item had been discussed with the applicant and he has no objection to handling the issue prior to the final site condominium coming forward. It won't be allow to proceed until it's corrected.

**MOTION by KRZEMINSKI seconded by SCIUTO to recommend approval to the Township Board of Trustees the Preliminary Plan for Hailey's Ridge Site Condominiums; Located on the east side of Romeo Plank Road, ¼ mile south of 21 Mile Road; Section 33; 46400 Romeo Plank, LLC, Petitioner. Permanent Parcel 08-33-151-003.**

**MOTION carried.**

5. **Revised Site Plan; Majestic Expansion;** Located north of 23 Mile Road, 460 feet east of Hayes Road; Section 18; Majestic Industries, LLC. Petitioner. Permanent Parcel 08-18-300-029.

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Patrick Meagher (Planning Consultant) informed the Commission that the applicant's request is for an addition to square up the building on the one side and as a result of that they asking for a joint access agreement with the property next door to allow access all the way through the back drive lane. And this will also give the Fire Department one more means of access. Mr. Meagher mentioned the request has been through one (1) site plan review and the applicant has made the corrections the departments asked for and at this time he was recommending approval of the site plan.

Patrick Westerlund (Representative for applicant, TDG Architects, 79 Oakland Avenue, Pontiac, MI) stated he had a meeting with the Fire Marshal, Patrick's office as well as the consulting engineer to discuss the proposed addition. Mr. Westerlund mentioned back in 2011, he had come before the Commission for an addition on the south side. He also mentioned that Majestic Industries has benefited from some growth in business.

Vice Chairman Sciuto inquired as to whether there would be any problem with the traffic flow with the Joint Access Agreement. Mr. Meagher stated the access is only one way and it would work fine. Mr. Meagher then stated there is plenty of maneuvering room.

Secretary Plastiras asked if there was already a Joint Access Agreement in place. Mr. Meagher stated yes, there is already a Joint Access Easement because they currently share the area for truck well access. Mr. Meagher stated it will also need to be spelled out during engineering that it will also be covering the new access area and it will a requirement in the final layout is this new access agreement needed in order to approve the revised site plan. Mr. Meagher stated our requirement is that if you're going to connect a property to a property you will need a Joint Access Agreement. Mr. Meagher stated we will require that as a part of the engineer design and the final layout and it will be a part of the checklist. Secretary Plastiras asked if any approval or motion for approval by the Commission would have to be contingent upon that agreement. Mr. Meagher stated the Commission could certainly put that as a contingency put the Planning Consultant and Engineer would require it regardless. Mr. Westerlund stated they have had discussions with the neighbor to the west regarding the Joint Access to continue it and make sure both property owners are in agreement with what's going forward.

Chairman Olive asked if the access would be mostly for fire trucks and other supply trucks. Mr. Westerlund replied yes. Chairman Oliver questioned the auto traffic. Mr. Westerlund stated as far as auto traffic he doesn't see much there and that area between both buildings is primarily for truck traffic and the access along the south property line is mainly for the fire trucks allowing them to circulate both sites. Mr. Westerlund stated the applicant, was working jointly with fire department and neighbor to work out a compromise that would work well for everybody.

Member Tuckfield stated he had concerns with regards to the parking. In the drawing it show sufficient parking by the numbers. However, a site survey shows a significant amount of storage use on the existing parking spaces and by his account twenty-five (25) of the thirty (30) existing spaces are being used. Member Tuckfield mentioned on a safety level he has concerns over it, and hoped that enforcement would take notice of it. He also stated he hoped Mr. Westerlund would pass it on to the owners that with the fewer spots that are there, that it might be a higher priority on the enforcement end. Chairman Oliver asked what type of storage is out there. Member Tuckfield informed him that is was metal and bins stored in the back and the front particularly in front of where the new portion will be. Mr. Westerlund mentioned part of the addition is to get the bins moved into the building and this is one of the primary reasons for the addition. Chairman Oliver stated those parking spaces are designated for cars and going forward your petitioner has to understand that.

**MOTION by SCIUTO seconded by Plastiras to recommend approval of the Revised Site Plan for the Majestic Expansion; Located north of 23 Mile Road, 460 feet east of Hayes Road; Section 18; Majestic Industries, LLC. Petitioner. Permanent Parcel 08-18-300-029; pursuant to the Planners recommendation and that a joint access agreement is in place.**

**MOTION carried.**

6. **Rezoning Request; Residential One Family Suburban (R-1-S) to Commercial General (C-2);** Located on the south side of 23 Mile Road, approximately 320 feet west of North Avenue; Section 23; Aly Bazzi, Petitioner. Permanent Parcel 08-23-226-002.

Patrick Meagher (Planning Consultant) stated the rezoning request ifs for the property immediately to the west of the BP Gas Station. The property is 1.6 acres in size and the applicant is asking to go from R-1-S to C-2, and the Master Plan for this area calls for a commercial note on the corner and residential surrounding the corner. Mr. Meagher was recommending approval of the rezoning request based on the surrounding uses and zoning patterns for the area. Mr. Meagher mentioned while the use is permitted in the R-1 district and while there generally compatible with the surrounding uses it may not be desirable because of having individual curb cuts for each home that might be built if it's left in a residential situation. Mr. Meagher stated he was recommending approval and find it generally consistent with the Master Plan and a logical extension to the existing commercial district.

Ziad El-Baba (Representative and Engineer for the petitioner) stated the petitioner is trying to rezone the parcel of land from R-1-S to C-2 district. Mr. El-Baba mentioned they have put plans together to indicate what they are trying to show what they will be proposing on the property and have met with Mr. Meagher and the planning Department in regards to the perspective use of the building. Mr. El-Baba stated they

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are not proposing a junk yard, they are proposing something simple and very attractive to the area. Mr. El-Baba mentioned that it would be a small plaza with units that could be offices or commercial – (small types of business). Mr. El-Baba stated they were going to do something to the gas station next door and will not extend over the rezoned area and will maintain the work within the original gas station. Mr. El-Baba informed the Commission that they would not be proposing multi curb cuts, just a single one coming from the west. Mr. El-Baba stated they would be opening up the two (2) sides of the plaza to reduce any congestion on 23 Mile Road. He also stated he knows whatever they propose for the site they will have to go through the Zoning Ordinance for setbacks, regulations, parking, loading/unloading, dumpster enclose. Mr. El-Baba mentioned there was a detention pond on the corner of the property and they will expand the pond to maintain the same perspective and are not asking for the variances they want to comply. Mr. El-Baba stated they would love to have the Commissions blessing on the rezoning of the property.

Vice Chairman Sciuto asked Mr. Meagher if the petitioner was going to combine the two (2) properties, and that it sounded like they want to combine the gas station with the property to be rezoned. Mr. Meagher stated there had been no proposal submitted at this point in time to combine the properties, regardless if there combined or not. The township would probably encourage some type of joint access between the two so someone getting gas can go next door to one of the shops without having to go back onto the major roads. Vice Chairman Sciuto stated it's better for the township and the traffic flow. He also stated it sounds like this is going to be one development eventually. Mr. Meagher stated that it would be a good idea if they function together and as a Commission by stating it now it's giving the applicant a pretty good indicator that's what you would like to see in their designs.

Chairman Oliver questioned if the property gets rezoned and the deal goes south, it's a standalone property and the gas station is no longer a part of anything will this create another congested area there. If another petitioner buys the rezoned property will the township be able keep the cross connection with the gas station going forward. Mr. Meagher stated the township would mandate it be irrevocable if in fact it was rezoned and they sold a piece off and they came in with their own development we would require them to provide at least a unilateral access. Chairman Oliver stated things change and the township has to protect itself. Mr. El-Baba stated their not just taking the property and enclosing it or future development, their taking the drive thru, the driveway, and the cross access agreement between them so it's not going to sit long waiting for future development, and for phase 1 something will be done wright now on this property.

Secretary Plastiras questioned whether it was the same owner of the gas station property as the petitioner of this property. Mr. Meagher stated, yes. Secretary Plastiras asked about the drive-thru or driveway, we mean the drive from the gas station to this property, Mr. Meagher yes were talking about a connecting lane between the properties. Secretary Plastiras questioned if there would only be one (1) curb cut, Mr. Meagher stated at a minimum there would be two (2).

**MOTION by TUCKFIELD seconded by PLASTIRAS to recommend approval to the Township Board the Rezoning Request from Residential One Family Suburban (R-1-S) to Commercial General (C-2); Located on the south side of 23 Mile Road, approximately 320 feet west of North Avenue; Section 23; Aly Bazzi, Petitioner. Permanent Parcel 08-23-226-002; based on the recommendations of the Planner and the information and conversation of the Board this evening.**

**MOTION carried.**

Mr. Meagher reminded the petitioner that this request would be going to the next Township Board meeting.

7. **Site Plan; Quadrate Holdings LLC;** Located on the southeast corner of Quadrate Drive and Leone Drive; Section 18; Quadrate Holdings, LLC, Petitioner. Permanent Parcel 08-18-400-023.

**MOTION by KRZEMINSKI seconded by PROVENZANO to table the Site Plan for Quadrate Holdings LLC;** Located on the southeast corner of Quadrate Drive and Leone Drive; Section 18; Quadrate Holdings, LLC, Petitioner. Permanent Parcel 08-18-400-023. To the next Planning Commission meeting to be held on April 5<sup>th</sup>, 2016.

**MOTION carried.**

(Open for Public Comments)

**None.**

#### **PLANNING CONSULTANTS COMMENTS:**

Patrick Meagher (planning Consultant) mentioned he had a few items to discuss with the Planning Commission.

Mr. Meagher stated the 1<sup>st</sup> item has to do with signs. The Building Department in their enforcement activities came to his office asking about some of these stores that have window lights. Mr. Meagher mentioned that a particular store has the little lights that are fairly bright outside the store right now and they were issued a Notice of Violation for corrective measures, so they put them inside and dimmed the lights. Mr. Meagher indicated that he still thinks this is contrary to the ordinance and the store wondered if the Commission could clarify the intent of the section of the Sign Ordinance that based on their own background of the ordinance. If it was the intent to treat the lights as signs and be prohibited. Mr. Meagher then read a portion of the

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Sign Ordinance that referred to this type of lighting which was noted under what is prohibited sign designation. Mr. Meagher stated that it was his interpretation that when you put signs that incorporate string lights which are acting like signage all on their own. Is the intent of the Sign Ordinance to prohibit these entirely? Member Krzeminski questioned the type of lights and location so he could take a look at them. Mr. Meagher and the Commission discussed several locations that are using the lights in question. Mr. Meagher stated the Building Department's concern is whether they're going too far in administering the Notice of Violations.

Chairman Oliver stated sitting at a stop light out of the corner of his eye he could see flashing from 500 feet away at 21 Mile Road and North Avenue, the Cleaners and they were flashing. Mr. Esordi mentioned the store fronts are using LED lights and they are intensified which is the issue and they are an issue in many communities. Mr. Meagher stated flashing lights would definitely be prohibited.

Vice Chairman Sciuto mentioned that not only do the stores put the LED lights around the windows but a liquor store now has put them on the top of their building at 22 Mile Road and Hayes Road. Vice Chairman Sciuto asked if it is going to limited to just windows or restrict it to the outside of buildings. Mr. Meagher stated its general, the use of those lights for attracting public attention. As far as he is concerned it meets the definition of a sign. Based on the definition of a sign it would be prohibited. Vice Chairman inquired as to where the Township draw the line with the lights on the windows or on the buildings, Mr. Meagher stated no matter where the lights are they are prohibited. The Commission Members discussed what other communities were doing with regards to this type of lighting.

Member Tuckfield mentioned with the recent conversation over the Supreme Court Ruling do we have an issue with in the signs inside vs the signs outside and being able to allow one sign but not the other. Mr. Meagher stated he didn't think so, and didn't think the township was infringing on the type of sign or the speech involved with the sign or the direct function of the sign and he feel that the township is pretty safe.

Secretary Plastiras requested examples of some of the properties that may have had issues come up so they Commission can drive by and see what the issue is and compare them against other properties where the Building Department has gone out to and to see if they are similar or different. Mr. Meagher stated he would email a list to her along with the complaints.

Vice Chairman Sciuto asked Mr. Esordi whether it was an ordinance issue or an enforcement issue. Mr. Esordi stated it was an enforcement issue. And Mr. Esordi stated he didn't think it was inappropriate to discuss it, but thought it would be inappropriate to make a decision and have a recommendation.

Chairman Oliver questioned whether to just say they can have so many linier feet of the lights. MR. Meagher stated it Mr. Meagher and Mr. Esordi stated it the intensity

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and the disturbance of the light and the distraction from the light that's the problem. Mr. Meagher then stated sometime it just easier to say you can have them or you can't have them.

Member Krzeminski asked if there had been complaints, Mr. Meagher stated yes, there was at least one at a particular location which brought this to light. Member Krzeminski asked Mr. Esordi as to what other communities are doing regarding the LED lights. Mr. Esordi gave information on how Shelby Township is dealing with this issue. Member Krzeminski questioned how the police would handle this. Mr. Meagher stated typically nothing, it would be up to our Code Enforcement Officer.

Mr. Meagher stated another question came up with regards to building owners in particular. In commercial buildings and some industrial, they sometimes asked for awnings. In some cases the awnings exceed the hundred and fifty (150) foot limitation that was placed on Technical Changes. Mr. Meagher asked the Commission if this would be something they would want to look at.

Chairman Oliver stated that he personally would like to look at them. He then asked if the Township gets a lot of these awnings. Mr. Meagher stated not a lot, and if there under one hundred and fifty (150) feet there easy to handle. Mr. Meagher stated that recently they received a request for a larger that didn't fit within the one hundred and fifty (150) so they were told it would have to go out for a revised site plan. Mr. Meagher then informed the Commission there was a discussion that perhaps it would cost too much money to send somebody in when the cost would be half the cost of what it takes to put the awning up in review fees.

Member Tuckfield stated maybe it would make sense to limit the projection away from the building and if it's low profile it maybe be less of a square footage restriction. Mr. Meagher stated that might be getting a little too intricate and maybe another option is to look at the different fee and approach the Board to ask them if there is relief for the awnings. After a discussion with the Commission Mr. Meagher stated he thought it best to look at the route of adjusting the fees.

Mr. Meagher mentioned the other issue he wanted to discuss was since the recession there has been a number of site plans that have been going through engineering and haven't been in a hurry to finish because of the economy and now that things are bouncing back, there back in and finalizing them out. Mr. Meagher mentioned from time to time as engineering progresses it's determined that an applicant site plan had expired and if its determined that there have been no new ordinance requirements that would impact a particular site plan is there any objection from the Commission if those are treated as technical changes.

Secretary Plastiras asked what would the time line be, how do we make a cut off point what if someone's is 30 days and another comes in and it's 3 months. She then stated she did have an objection to that because how do you cut it off, how do you make an exception for one and not for the other. Secretary Plastiras then stated

unfortunately, if you don't come in and ask for an extension, you didn't do it and you're out of time and how do you be fair to across the board with a cut off time. Mr. Meagher informed the Commission in this particular case the township could lose a commercial building that's now has a tenant work through there engineering for final right now and the time delay may very well chance them away because they know it will be several more months if they have to come through the Commission again.

Chairman Oliver asked what happened or did somebody just missed it, Mr. Meagher stated no that it's nobody responsibility other than the developer to make sure they come in each year and renew it and it wasn't caught until such time as there bond finals were being done when they realized it was passed the site plan duration. Secretary Plastiras asked how far passed are they, Mr. Meagher stated he thought they were 4 or 5 months passed now.

Mr. Krzeminski stated so it was something we didn't catch here in the township. Mr. Meagher stated the township doesn't keep records of that and nor do they maintain any responsibility for that. Mr. Meagher mentioned this person is very familiar with the extension site plans. Member Tuckfield questioned how many times it had been extended up to that point. Mr. Meagher mentioned he didn't have the file and gave the development name – Noodles on Hall Road.

Secretary Plastiras questioned where they were supposed to decide on this or was it just a topic for discussion. Mr. Meagher stated it was just a question right now or if you were going to allow for him to act on this as a technical change in light of the fact that there were no changes to the plan and in reality he needs to come back to the Commission.

Member Krzeminski stated at the Board level they have jumped through hoops for this guy, he says were doing something to him, but were not, he just chooses not to follow what the direction is. Mr. Meagher stated he wasn't here looking for sympathetic eyes, just presenting the case I that he was asked to present to you tonight. Mr. Meagher then stated he wasn't going to share with him that he was bringing it to the Commission and that what he was hearing tonight was that he needs to file a new site plan.

Vice Chairman Sciuto questioned if we have something like this and we know there going to come up, could this be put on the agenda instead of casual conversation. Vice Chairman Sciuto stated he would like to know the history on it, to know a little more about than just to make a decision on it. Vice Chairman Sciuto stated as of right now the Commission should not move on it, because we don't have enough information on it. Mr. Meagher stated all three of the issues tonight had just come to light.

## **PLANNING COMMISSION COMMENTS**

Secretary Plastiras stated Member Provenzano brought an issue to her attention in the meeting minutes from the last meeting that during roll call he was absent and if you read through the minutes you arrived shortly after so we corrected it in the minutes and acknowledges that you were in attendance. Secretary Plastiras was requesting to be excused from the April 5<sup>th</sup>, 2016, Planning Commission meeting.

Vice Chairman Sciuto stated with member Plastiras not being in attendance, he asked if Member Tuckfield would do the secretary duties. Member Tuckfield stated, yes. Vice Chairman Sciuto also asked Member Tuckfield to be the backup.

Member Tuckfield inquired about the progress on the wall that was brought up two weeks ago. Mr. Meagher stated there has been no construction on the wall at this time.

#### **ADJOURNMENT**

**MOTION by SCIUTO seconded by TUCKFIELD to adjourn the Planning Commission meeting at 7:54 p.m.**

**MOTION carried.**

Respectfully submitted,

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Charles Oliver, Chairman

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Juliana Plastiras  
Planning Commission Secretary