

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, MAY 3, 2016

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 KRZEMNISKI, MEMBER

ABSENT: None

ALSO PRESENT: Lawrence Scott, 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.

Member Tuckfield stated Mr. Meager (Planning Consultant) requested to combine the Agenda Items No. 4 & No. 5 and mentioned the motion and vote would be as one item. Mr. Meagher stated about a year ago the ordinance was modified to take one action and lock the Special Land Use to the Site Plan.

**MOTION by SCIUTO seconded by TUCKFIELD to approve the agenda with combining the Special Land Use and the Site Plan items No. 4 & No. 5 as one item.**

**MOTION carried.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, MAY 3, 2016

3. The minutes of the previous meeting held on April 5, 2016 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by PROVENZANO seconded by HARDY to approve the minutes of the meeting of April 5, 2016 as presented.**

**MOTION carried.**

**AGENDA ITEMS:**

4. **Special Lane Use; Diamond Square at Macomb Marketplace;** Located on the southeast corner of 23 Mile Road and Hayes Road; Section 19; Antoine Kaspo, Petitioner. Permanent Parcel 08-19-101-002.
5. **Site Plan; Diamond Square at Macomb Marketplace;** Located on the southeast corner of 23 Mile Road and Hayes Road; Section 19; Antoine Kaspo, Petitioner. Permanent Parcel 08-19-101-002.

Agenda Items No. 4 & No. 5 were combined as stated in the previous motion approving the May 3, 2016 Planning Commission Agenda and will be voted on as one item.

Patrick S. Meagher (Planning Commission) stated the staff worked on this with the applicant on this item and there were a number of issues with the first submittal which they probably corrected and returned. Mr. Meagher stated at this point all department heads were happy with the submission and are recommending approval of the Special Land Use to the Planning Commission.

Secretary Plastiras requested an update on what the prior issue was that now is corrected. Mr. Meagher mentioned it was just some circulation issues that were of concern, turning radius issues with regards to the drive-thru and isle width issues that were easily fixed with revised drawings.

Vice Chairman Sciuto inquired as to whether this would be a one way flow around the building. He also stated he sees the drive-thru coming around with a double stack and then you have a ten (10) foot by fifty (50) foot loading area on the one side next to the drive way stack. It seems like it is going to be pretty congested. Vice Chairman Sciuto stated there were a few concerns that he had and he also questioned whether there would be enough loading area for four buildings. Mr. Meagher stated in his opinion the loading zone would be fine. He also stated that he, along with Mr. Van Tiflin, looked at the two-way circulation issue and that was a part of the discussion they had with the applicant. If the Commission thinks it doesn't meet the eight (8) standards for a Special Land Use, then certainly it can be called out and ask the applicant to address the issue.

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, MAY 3, 2016

Ghassan Abdelnor (JV Associated – Architect of project) presented the owner of the development Mr. Antoine Kaspo and the Civil Engineer. Mr. Antoine Depouni was in attendance to address any questions or concerns.

Vice Chairman Sciuto raised his concerns regarding the loading area for four buildings and around the building there is two-way traffic. He asked if there is enough room for the traffic and dumpster. Mr. Abdelnor informed the Commission they come early in the morning or you can schedule the pick-up, you don't have to have it during the traffic time and the Commission can have that as part of the resolution to make sure the trucks come during non-traffic times. Mr. Abdelnor stated the dumpster may have to be shifted and turned a little bit to make it easy for the truck to pick it up, making it more accessible for the trucks and for the traffic around the building. The drive-thru is limited by itself, but there is a curb that separates the two lanes and the drive-thru. Mr. Abdelnor also mentioned there is twenty-four (24) feet for the two-way traffic and it meets the requirements and is easy for traffic circulation. He then spoke regarding the entrance of the project, stating the site was already done and they are trying to work with what they have. Mr. Abdelnor stated as they worked with the Planning Department, they now have a seven thousand five hundred (7,500) square foot building on a small portion of a bigger project. He then showed the Commission a rendering of the proposed building.

Member Krzeminski asked Mr. Abdelnor if they were using the same pad that was there already. Mr. Abdelnor responded yes. The building will be brick with a lot of lime stone and split face block. He continued to give details of the building style and structure and stated with this building, hopefully there will be more people coming and then there will be a bigger project in the back.

Secretary Plastiras had questions regarding the parking spaces at the rear of the building and asked if there was any accessibility into the buildings from the back. Mr. Abdelnor stated there is no access from the back. She then asked Mr. Meagher if there was adequate parking or is the Township taking in to account the parking spaces in the back to make it adequate. Mr. Meagher responded we are taking into account the spaces in the back and it was their thoughts that the business owners would want their employees to park back there to clear up spaces out front and that Planning had no objection to that.

Chairman Oliver questioned Mr. Meagher on whether there was sufficient parking for the customers. Mr. Meagher stated yes, they meet the parking standard. Secretary Plastiras asked if those spaces were not taken into account and those spots were not there would the parking standard be met. Mr. Meagher stated no, they only have three (3) over the requirement now.

Chairman Oliver asked Mr. Abdelnor if the information the Commission has showing only one food store or serving food in the complex. Mr. Abdelnor stated that's correct. Chairman Oliver asked Mr. Meagher if something goes a rye and the other two stores want to put food style stores in there is there still enough room and

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, MAY 3, 2016

parking. Mr. Meagher stated they had modified the parking requirements to reflect a 1 to 150 ratio rather than the 1 to 250 ratio or 1 to 70 ratios that were previously in the parking stats.

Member Tuckfield stated he had some concerns with the dumpster enclosure as well, but thinks that Mr. Abdelnor has addressed them. Both were in agreement that the dumpster needed to be rotated a little to allow for access. Member Tuckfield questioned the rendering that shows some names and asked if they were generic. Mr. Abdelnor stated they were generic they were just there to show the location of the signs.

Michael Hoffman (owner of the Tiffany Building located east of the proposed project location) asked what the general purpose was of the building. Mr. Abdelnor stated retail. Mr. Hoffman then stated his next question would be the placement of the dumpster and where in that corner would the dumpster be located. His concerns were how close in proximity to his property and the odors coming from the dumpster. Member Tuckfield showed him when the dumpster location was and Mr. Hoffman stated that's about as close as you can get to his property and asked if the dumpster could be located to the southwest corner. Mr. Abdelnor stated the dumpster area would be enclosed with a block wall and would not be seen from Mr. Hoffman's side. Mr. Hoffman said when there is food and grease in a dumpster in the summer you know what that does and he and his tenants do like to have their windows open at times and would certainly like to have this issue resolved.

Member Tuckfield stated in his opinion he did not see another spot on the site for a dumpster enclosure and he then asked Mr. Meagher if thought there was space for the enclosure elsewhere. Mr. Meagher stated you could move it to the south in the last space, but with prevailing winds if the concern is odor it would probably be a worse situation for the neighbor. Mr. Meagher then mentioned the Township does not allow dumpsters in the front yards.

Chairman Oliver asked Mr. Maples (Building Official) if this was a problem and has he ever received complaints regarding dumpster odors. Mr. Maples stated he gets very few complaints and most dumpsters have lids on them now. Mr. Maples mentioned the complaint that he does get are food related and are from residents; he stated this being close he could see where the dumpster location could be an effect.

Mr. Hoffman inquired as to whether there is an ordinance regulating lids on dumpsters. Mr. Maples stated yes, in the ordinance it does state they have to be covered and rodent proof. Mr. Hoffman asked if this does become a problem with he or his tenant do they have any recourse. Mr. Maples told Mr. Hoffman that he could file a complaint with the Building Department and they will come out and take a look, but it is subjected to when the winds blow or when it's dumped, so it's not really cut and dry. Member Provenzano inquired as to the estimated distance from Mr. Hoffman's property and the dumpster. Member Provenzano thought it was about 150

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, MAY 3, 2016

feet. Chairman Oliver stated 150 to 200 feet and he didn't think it would pose a problem if it has a lid on it. Mr. Hoffman stated he was glad someone was coming in and taking care of the property but he hopes that if it becomes an issue they can work it out. Chairman Oliver stated everyone is aware of it and will make sure it works for everybody.

**MOTION by TUCKFIELD seconded by SCIUTO to approve the Site Plan and Special Land Use for Diamond Square at Macomb Marketplace; Located on the southeast corner of 23 Mile Road and Hayes Road; Section 19; Antoine Kaspo, Petitioner; Permanent Parcel 08-19-101-002; With the condition that the dumpster will be rotated to the satisfaction of the Planning Consultant to allow for proper access.**

**MOTION carried.**

Secretary Plastiras opposed the approval of the Site Plan and Special Land Use for Diamond Square at Macomb Marketplace.

Secretary Plastiras stated for purposes of the record she only voted no because she had issues with the parking and including the parking spots that were located in non-accessible areas.

(Open for Public Comments)

**None.**

**PLANNING CONSULTANTS COMMENTS**

Patrick Meagher stated he and Mr. Maples had put together a presentation for the Commission on how to make a community successful. He then spoke saying to make a community successful you have to have a vision, proper guideline to follow that vision, and in our entire decision making we will need to be fair, firm and consistent regardless of who's in front of us. Mr. Meagher then mentioned there is no constitutional authority that gives the right to zone; it's basically the 5<sup>th</sup> and 14<sup>th</sup> Amendment that provides you can't be deprived of property without due process. Zoning emanated out of that from actions of freedom and use of their property by one party and infringing on freedom of use of another party and through that it became the Michigan Zoning Enabling Act which guides our actions in the State of Michigan with regards to zoning. He went on to say that zoning is a police power and at its beginning when it was brought out to start balancing some of the restrictions with health, safety and welfare issues. Mr. Meagher reviewed and explained to the Commission Planning and Zoning terminology and phraseology, and their meaning such as Substantive and Procedural Due Process Claims and the need to follow the

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, MAY 3, 2016

Township's By-laws and Ordinances, Taking of Claims, Equal Protection Claims. Mr. Meagher stated the Master Plan is currently being reviewed and spoke of the importance of understanding what the vision is for your Master Plan, what the plan actually says and how to use it. Mr. Meagher reiterated the importance of the site plan meeting the Zoning Ordinances requirements. He also explained to the Commission that site plans are based on Ordinance of Macomb Township are approved by the Planning Commission and only the Planning Commission; and the Planning Commission is not a recommending body on any site plan. Mr. Meagher stated the special land use is locked in with the site plan and its one motion, one issue. Mr. Meagher spoke in detail on rezoning's and there importance of accommodating the needs of the community, the adequacy of the infrastructure and can the property be reasonably developed under the current zoning and also about P.U.D's (Planned Unit Developments) stating they are the creation of the Township along with the developer and are approved by the Planning Commission and the Township Board and there should always be trade-offs to make sure they are a benefit not only to the developer but also to the Township and the public and to ensure that it is in the P.U.D. agreement. Mr. Meagher addressed with the Commission the importance of writing down their findings and their concerns that come up and how important it is to take findings from the public, keeping order, being professional, keeping time limits and do their homework by reviewing the agenda items before the meetings.

**PLANNING COMMISSION COMMENTS**

Vice Chairman Sciuto thanked Joseph Maples the new Building Department Head for coming and introducing himself to the Commission and how his presence was helpful in making their decision at tonight's meeting.

Member Hardy stated last Wednesday he completed his seven courses for his Citizen Planner's class. The Commission congratulated him on his completion of the class.

**ADJOURNMENT**

**MOTION by HARDY seconded by SCIUTO to adjourn the Planning Commission meeting at 7:48 p.m.**

**MOTION carried.**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, MAY 3, 2016

Respectfully submitted,

---

Charles Oliver, Chairman

---

Juliana Plastiras  
Planning Commission Secretary