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

PRESENT: CHARLES OLIVER, CHAIRMAN
JULIANA PLASTIRAS, SECRETARY
MICHAEL P. HARDY, MEMBER
AARON TUCKFIELD, MEMBER
ROGER KRZEMINSKI, MEMBER

ABSENT: JASPER SCIUTO, VICE CHAIRMAN
NUNZIO PROVENZANO, MEMBER

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 Vice Chairman SCIUTO and Member PROVENZANO were both absent and excused.

Motioned by TUCKFIELD and seconded by KRZEMINSKI to reframe from calling Vice Chairman Sciuto and Member Provenzano names for any roll call votes.

APPROVAL OF THE AGENDA

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

MOTION by HARDY seconded by KRZEMINSKI to approve the agenda as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

3. The minutes of the previous meeting held on June 7, 2016 were reviewed.

MOTION by TUCKFIELD seconded by HARDY to approve the minutes of the meeting of June 6, 2016 as amended.

MOTION carried.

PUBLIC HEARING:

4. Amend Section 10.0354 of the Zoning Ordinance to allow for limited side yard placement of central air conditioning units and similar exterior equipment with screening and to modify the rear yard placement requirements.

Patrick S. Meagher (Planning Consultant) spoke regarding the previous discussion of central air and other exterior equipment installations and what was presented to the Commission in terms of installation of the equipment in the rear yard only and that there were such limiting factors having to do with location of windows, proximity of equipment pieces next to each other that it was having a detrimental impact. Mr. Meagher stated the was a waver where they had to meet the side yard set-backs and what was found was that ninety-nine percent (99%) of the new house building is built side setback line to side setback line and there really was no room to put it in the side yard if in fact it couldn't be located in the rear. Mr. Meagher then stated after many discussions and listening to the Commission and the public at the previous meeting we modified the ordinance to allow them in the side yards but they are still ask for the three and a half (3 ½) foot side yard setback which we asked to be respected in all cases regardless if it's concrete or anything else so there will always be a seven (7) foot clearance and in the new rendition it basically indicates that the township desires the equipment to be behind a wall however in certain cases the Building Official can make the determination that a practical difficulty does exist which prevents the rear yard location and if it is located in the side yard that it be screened with fencing or landscaping and that it be setback a minimum of three and a half (31/2) feet from the side lot line.

Member TUCKFIELD wanted to know if the clarification on the modification that was brought forward to the Commission was a request. Mr. Meagher stated that is correct. Member TUCKFIELD wanted it clarified on who the request was from. Mr. Meagher the gentleman was in the audience. Member TUCKFIELD mentioned it was Wind Surf and Sail and asked Mr. Meagher if that was correct. Mr. Meagher stated yes, that's correct.

Mr. Esordi (Township Attorney) asked Mr. Meagher what the purpose was for using non-financial practical difficulty as opposed to just practical difficulty which is normally used as zoning perspectives. Mr. Meagher stated to make it very clear to people that because it cost more to do this doesn't mean it's a practical difficulty, just as it does as a practical difficulty and stated to Mr. Esordi that he would take the term out if he thinks it doesn't fit legally. Mr. Esordi stated practical difficulty is practical difficulty as it relates to the property and has nothing to do with how many

cars they park in their garage or that there working on a motor home. Mr. Meagher stated they could strike out non-financial. Mr. Esordi stated if it helps then it doesn't have to stricken, because a practical difficulty is not financial. Mr. Meagher stated the only reason he put it in was so that the people understand that because it cost more doesn't mean it's a practical difficulty. Mr. Esordi mentioned you know his answer to this is, it's a legal answer or a practical answer to this and you have to use them on a daily basis and we can enforce either one of them. Mr. Esordi stated he's not opposed to having it in there if you have a reason for it and you feel it will help you.

Secretary PLASTIRAS asked legally what is the appropriate route having it in or not having it in. Mr. Esordi stated typical zoning language would have practical difficulty which is a term of art which is used throughout the Zoning Enabling Act; it refers to the property that causes a reason to deviate from the standards. Mr. Esordi explained what practical difficulty and gave an example of a practical difficulty and stated it applies to the property not the person. Mr. Esordi stated the only down side to this is you give the decision making authority to one individual rather than by the ordinance itself you open up the door to it being unfair. Chairman OLIVER asked Mr. Esordi if that could happen. Mr. Esordi mentioned you're going down that slope, and I'm saying you're opening the door to that, and once you open the door and you say that the Township Building Official has the right to make the determination whether the practical difficulty exist and you open the door to interpretation. Mr. Esordi stated are you going down the slope very far, he said no but it is up to him to inform the Commission about it.

Joseph Maple (Building Official) stated it is the determination of a practical difficulty and he is going to be looking at is if they have door walls where they can't have exhaust or air intakes, he stated those are the things he would be looking at.

Chairman OLIVER asked Mr. Meagher what are we going to do about the financial or non-financial. Mr. Esordi stated he doesn't have a problem with it if it helps you at the counter every day. Mr. Meagher state they are fine either way, but if it's better to legally to remove it, and he thought it would be better to then remove it. Mr. Meagher stated it can be explained.

MOTION by TUCKFIELD seconded by HARDY to recommend approval to the Township Board of Trustee's the noted changes to Section 10.0354 with regards to the air conditioner units and similar exterior appliances. The change being eliminating the non-financial from the center of the paragraph.

MOTION passes.

AGENDA ITEMS:

5. **Site Plan; Macomb Industrial Park Unit 27**; Located on the northwest corner of 23 Mile Road and Garfield Road; Section 18; Sign Fabricators, Petitioner. Permanent Parcel 08-18-400-009.

Patrick S. Meagher (Planning Consultant) stated this particular site is located at the end of Industrial Drive and the southeast side of Leone Drive. Mr. Meagher stated the only remaining comment they had was first they are proposing a light industrial building and the only comment they had was a shared parking and cross access easement would be required, and typically we have in our checklist the cross access agreement are required during engineering process and this is just a note to let the applicant know that this would be required, and the other departments had no comments on this.

Member HARDY inquired as to whether there was enough shared parking for both of the industries with both sides of Leone if they are working to capacity. Mr. Meagher stated they meet the requirement of the Township.

Chairman OLIVER inquired as to whether the shared driveway was a requirement of the Township. Mr. Meagher stated the township would want an irrevocable shared parking and access agreement because the sites are design to work together. Chairman OLIVER asked if units are put next to each other we would have a shared access agreement, and is that standard. Mr. Meagher stated not so much between two industrial buildings, a lot of them don't want buildings from one unit coming into the other building and he believes this building is under the same ownership and the same use. Mr. Meagher stated you never know they could sell one of the buildings and that's why you need the cross access agreement.

Tom Kemp (Owner/developer) stated he was the owner of both parcels and they are prepared to do the cross access agreement.

MOTION by KRZEMINSKI seconded by TUCKFIELD to approve the site plan for Macomb Industrial Park Unit 27; Located on the northwest corner of 23 Mile Road and Garfield Road; Section 18; Sign Fabricators, Petitioner. Permanent Parcel 08-18-400-009.

MOTION carried.

(Open for Public Comments)

None.

PLANNING CONSULTANTS COMMENTS

Patrick S. Meagher stated he was glad to get through the ordinance change, and he informed the Commission that Mr. Maples and he are working together to identify other issues in the ordinance and are slowly flagging as the concerns come up, and some of them just need clarification and some that have not been administered past and they will be taking a look and bring them forward as they can.

Chairman OLIVER asked Mr. Maples whether it is him or is the township trying to squeeze a bigger house on a smaller lot. Mr. Maples responded, yes that's exactly what they are doing because the land is expensive and if you can get more houses on less land and it's more profitable for the developers to do it that way. Mr. Maples stated they are maximizing the house square footage. Mr. Meagher stated you are now seeing a higher market for the larger ranches with our senior population increasing with less people wanting fewer steps.

PLANNING COMMISSION COMMENTS

Member KRZEMINSKI had questions regarding the funeral home that was going in on Hayes Road, the sign is down is it going in or is it not. Mr. Meagher stated that seems to be the mystery, there was a consent judgment years ago and it allows it to be a funeral home and he has heard rumors that they won't be going in there but that's about as far as it's gone. Member KRZEMINSKI stated he thought there was a cross access agreement with the developer so the people coming down the street could go through there to get to Randazzo's. Mr. Meagher mentioned there was to be cross access between both sites, and if it moves in we will maintain the site and if someone else does we will still maintain the cross access and regardless of what happens the traffic safety would increase greatly by not having people making a left and another quick left to get back in there.

Member KRZEMINSKI inquired as to what going on at Goldie's they've taken down the shrubs, the trees and everything else, but nothing else is going on as far as drawings or anything. Mr. Meagher stated yes, that's been approved for the head trauma center, Special Tree and they are starting construction soon. Mr. Maples stated the smaller unit the nine (9) bedroom has been reviewed and approved and is still waiting for pick-up.

Member KRZEMINSKI also inquired about the property located between 23 and 24 Mile Road, on the east side of the street closest to the cemetery on 24 Mile Road, the single unit condo's there taking out some of the trees and Member KRZEMINSKI thinks there waiting on the Drain Commission because of the flood plain they have to move some dirt. Mr. Meagher stated yes, that is River View Estates and they're still not finaled out, and they have a lot of drain work to establish and they are working with Jim Van Tiflin and the Drain Commission and it is going to be awhile before there ready to go. Member KRZEMINSKI had concerns regarding how deep the water gets when it rains. Mr. Meagher stated his understanding is that they had a substantial amount of underground and drain work to do, they have the drain

easement running along Romeo Plank and the river running to the east of the site and they have a whole host of issues to deal with there.

Member TUCKFIELD stated he just want to put out that Member PROVENZANO was in recovery from surgery and that he had talked to him today. Member TUCKFIELD informed everyone that he is doing well and wished him a speedy recovery. Member TUCKFIELD also mentioned he's well on his way and should be back shortly.

ADJOURNMENT

MOTION by TUCKFIELD seconded by KRZEMINSKI to adjourn the Planning Commission meeting at 7:29 p.m.

MOTION carried.

Respectfully submitted,

_____
Charles Oliver, Chairman

_____
Juliana Plastiras
Planning Commission Secretary