

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, SEPTEMBER 20, 2016  
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LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: CHARLES OLIVER, CHAIRMAN  
JASPER SCIUTO, VICE CHAIRMAN  
MICHAEL P. HARDY, MEMBER  
NUNZIO PROVENZANO, MEMBER  
AARON TUCKFIELD, MEMBER – (Acting Secretary)  
ROGER KRZEMINSKI, MEMBER

ABSENT: JULIANA PLASTIRAS, SECRETARY

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 7:05 p.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

1. Acting Secretary TUCKFIELD called the roll and Member PLASTIRAS was absent and excused.

**APPROVAL OF THE AGENDA**

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

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

**MOTION carried.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**

3. The minutes of the previous meeting held on September 6, 2016 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by TUCKFIELD seconded by KRZEMINSKI to approve the minutes of the meeting of September 6, 2016 as presented.**

**MOTION carried.**

**AGENDA ITEMS:**

4. **Site Plan; Bubba's 33;** Located on the north side of Hall Road, east of Romeo Plank Road; Section 32; Doug Druen, Petitioner; Permanent Parcel 08-32-400-020.

Patrick Meagher, Planning Consultant, informed the Commission that Bubba's 33 had been through several site plan reviews and the applicants had worked closely with the department heads in trying to screen the use from the surrounding residential. He also mentioned the applicant will be correcting the past errors in the striping that took place during the physical development of Bran's parking lot. Mr. Meagher stated that most of the issues had been worked out; he then had the Commission look at the site plan and he pointed out where the applicant had shown quite a bit of additional evergreen screening on the west side of the site to the back of the site. Mr. Meagher informed the Commission that the only remaining issue was the row of parking spaces on the east side and they will be striped at 18' instead of 19' to maximize the aisle width.

Emily Bernahl, Greenburg & Farrell Architecture, consultant for Texas Road House and Bubba's 33, 21 South Evergreen Avenue, Suite 200, Arlington Heights, IL, 60005; was in attendance to answer question regarding the site plans for Bubba's 33.

Member SCIUTO questions the black & white drawing for the handicap parking spaces and if 8 feet wide with 5 feet between the spaces was standard handicap parking. Mr. Meagher replied yes, that would be standard handicap accessibility space and Van accessibility would be 8 - 15 - 8. Mr. Meagher stated the parking meets the proportion requirements set by the Michigan Building Code and the ADA requirements.

Chairman OLIVER asked if Bubba's 33 would be a standalone lot. Mr. Meagher replied yes. Chairman OLIVER asked if the Bran's building would be altered. Mr. Meagher stated the applicant was going to tear the Bran's building down and construct a new building. Ms. Bernahl responded to Chairman OLIVER with Bubba's 33 is a new concept for Texas Road House and their intention is to scrap the Bran's structure and construct a new building on the site. Ms. Bernahl stated that technically Bubba's would be leasing the land, but would own the building.

Chairman OLIVER then inquired as to whether there had been previous issues with regards to the screening from the residential. Mr. Meagher stated with it's a separate issue and a planning issue; he then stated that the ZBA had an application pending at this time and has held off their decision until after the Planning Commission's has acted on the site plan. Mr. Meagher mentioned the issue pending had to do with

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larger wall signage on the building than the ordinance permits, which the building department had denied. It was forwarded to the ZBA and is pending. Member TUCKFIELD mentioned the ZBA had a discussion on whether or not it made sense to review it before the plot plan was approved. Member TUCKFIELD said the ZBA decided that it would be better to have the Planning Commission review it first then the ZBA will have a better idea of the situation of the building and more information. Member SCIUTO questioned the process and asked if the signage should be brought before the Commission before it goes to the ZBA. Mr. Meagher that he thought it would be appropriate to wait until after the plan was approved.

Member KRZEMINSKI asked Ms. Bernahl for more information on the issue that is pending with the ZBA regarding the signage. Ms. Bernahl stated per code they were only allowed 20 square feet on the sides of the building and the standard sign for Bubba's is 50 square feet, they were requesting the additional footage.

Member TUCKFIELD mentioned that on the site plans it appears that there are 2 different descriptions of the side porch, one looks like it spans the entire east side and the other only half. Ms. Bernahl answered that unfortunately the Bubba's concept is still new and still evolving and the patio will actually be reduced down to 950 feet. Member TUCKFIELD wanted to confirm with Ms. Bernahl that the main site plan drawing dated September 16, 2016 showing the patio half the size was the accurate size and plan. Ms. Bernahl responded with yes; that would be the correct patio area plan.

Joe Berak, resident of 45274 Ronnen, asked if there would be music outside or if the patio was for outside eating only. Ms. Bernahl stated there would be no outside music and there will be no sever, it's just an area to sit and enjoy the nice weather.

Member TUCKFIELD asked if Bubba's 33 would be a fast food concept as opposed to a sit down restaurant. Ms. Bernahl replied that it is a full service restaurant catering to family and the food is more of an American fair. Member KRZEMINSKI asked if the patio could also be used as a smoking area. Ms. Bernahl answered yes it could and that was the idea as well.

Michael Fahey, resident of 45263 Heatherwoode Ln., questioned whether the petitioner got approval from the doctor who owns the office complex to the east to plant the trees in the corner. Ms. Bernahl answered his question with the Texas Road House legal team is coordinating with the land owner. She also mentioned that their intention is to have plantings off their premises to mitigate some of the concerns the residents may have. Mr. Fahey asked about the proposed five trees in the northeast corner that haven't been approved yet. Ms. Bernahl stated there is no reason why they wouldn't be approved since they enhance the area. Mr. Fahey questioned why the petitioner didn't go further behind the house. He stated there is nothing to block the view. Ms. Bernahl mentioned that there is a masonry wall along there, Mr. Fahey expressed that he didn't think the screening of evergreens went far enough. Mr. Meagher stated all the trees running along the east property line are

noted as spearmint junipers and are an average of 10 feet in height. He then said they are providing quite a bite of screening already. Mr. Fahey asked if they were still going to put the open garage doors in the front of the building along Hall Road. Chairman OLIVER stated, yes. Mr. Fahey asked if it will be a noise nuisance and if the neon lighting would affect the residents and be a safety hazard for drivers on Hall Road as they look into the bar at the lighting and the TV's. Mr. Fahey was concerned that there could be an accident. Chairman OLIVER stated the Commission can't regulate what people will do on the road.

Megan Tallman, representative for OYK Prime owner of the neighboring property, 17757 Hall Road, stated that they personally would like to see that plan approved as it is and as soon as possible.

Jason Brown, resident of 45250 Ronen, asked if the patio would be closed at a certain time. He also asked if after it has been approved can they start serving outside or do they need approval. Mr. Meagher responded with if the Commission wanted to put a condition that they can't serve outside that would be one thing but the current Special Land Use specifies there can be service outside but it doesn't allow music or entertainment. Ms. Bernahl spoke on the closing time of the patio stating it would be open regular business hours which are from 4:00 pm to 11:00 pm. Mr. Brown had concerns regarding noise emanating from the patio and asked if it could be closed at 9:00 pm. Ms. Bernahl said she would take that question back for a response. Thomas Esordi, Township Attorney, responded with you have Noise Ordinance, no matter who's there once the site plan is approved you have the same standard that applies to everyone. Mr. Brown asked the Commission to recite the Noise Ordinance, Mr. Esordi responded with the ordinance is available on the Township website.

Member SCIUTO asked Mr. Meagher if the petitioner decides to change the patio to an eatery with tables would they have enough parking spaces and would they meet the requirements? Mr. Meagher stated he hadn't looked at that calculation, but if they don't we can use that to prevent them from converting.

Member TUCKFIELD asked if the Commission was adverse to specifying in the motion the plan that shows the patio at half the depth. The Commission discussed and decided on the correct plans to review for the landscaping and the patio.

**MOTION by SCIUTO seconded by PROVENZANO to grant site plan approval for Bubba's 33; Located on the north side of Hall Road, east of Romeo Plank Road; Section 32; Doug Druen, Petitioner; Permanent Parcel 08-32-400-020; pursuant to the Planning Consultant's Recommendations and that sheet C-30 of the site plans as submitted on 9/13/2016 will be the approved plan for Bubba's patio and the approved landscape site plan for all landscaping requirements.**

**MOTION carried.**

5. Amendment to Section 10.0314; Lot Grades (Discussion/Set Public Hearing)

Mr. Meagher reviewed with the Commission the issue of the first floor elevation as discussed at the previous meeting of September 6, 2016. Mr. Meagher also spoke of several variance requests regarding first floor elevations and that a public hearing needed to be set. Mr. Meagher mentioned that he received a call from a resident that lives next to a home that received a variance and they were concerned. He also mentioned that he was meeting with them and would bring pictures to the public hearing to review.

Chairman OLIVER asked Mr. Meagher if the amendment is approved and the building department has a lot that they feel does not will look right in the subdivision, do they have discretion to say this is not going to work. Mr. Meagher responded he didn't think they would if it meets the ordinance.

Mr. Meagher mentioned that he would meet with Mr., Esordi to determine if there is some language that could be added to give some discretion with regards to character. Chairman OLIVER inquired as to whether there is anything that can be done to make it discretionary. Mr. Meagher made mention that he could set a series of standards to the amendment. Mr. Esordi mentioned that additional restrictions could be added to establish a standard by the neighborhood.

Edward Gallagher, resident of 24110 Darwin, asked if this was an engineering problem rather than an ordinance problem; he then said if it's less than a foot and doesn't disturb the character of the subdivision it should be an engineering problem because he's the one that will determine whether it affects the sewer or not. Mr. Esordi said that's why you could have two established standards to make sure it's in compliance. He also mentioned that most of the time it will be on a corner lot. Mr. Gallagher stated to him this is a minor thing and could be handled administratively.

**MOTION by PROVENZANO seconded by KRZEMINSKI to set a Public Hearing for October 18, 2016 for the Amendment to Section 10.0314; Lot Grades.**

**MOTION carried.**

(Open for Public Comments)

**PLANNING CONSULTANTS COMMENTS**

Mr. Meagher mentioned that inquiries were made regarding senior facilities in the community at the meeting of September 6, 2016 and why they weren't moving

forward. Mr. Meagher stated that he had spoken to a couple of the developers that have submitted proposals in and the first one indicated that he was having some finance issues, particularly with the assisted living. Mr. Meagher also spoke with Mr. Ruggeri the developer for the proposed senior facility on 23 Mile Road and Romeo Plank Road, just west of the church has indicated that he has several partners that his is working with. Mr. Meagher mentioned that Mr. Ruggeri stated the Township is in no way delaying him, he will probably come back with a new PUD and financing is a hundred percent in place. Mr. Meagher said the other developer indicated to him that financing is not a problem; they're just trying to put together the parts necessary to get things moving.

Chairman OLIVER asked Mr. Meagher if he had seen and questioned the sign on a piece of property at Card Road and 24 Mile Road that states coming soon, senior living. Mr. Meagher responded, yes. He then said that he and Mr. Van Tiflin had met with the prospective buyer, and reviewed their proposed scheme. Mr. Meagher mentioned that what they've proposed would take a Master Plan Amendment because it would involve a whole lot of sewer activity. Mr. Meagher also mentioned the potential buyers were told to remove the sign because they don't have a permit for it at this time.

Mr. Meagher spoke regarding signs because it was brought up during the Bubba's presentation; he mentioned there is significant amount of signs on the major and regional roads. Mr. Meagher said one of the thoughts of the ZBA is to look into signage to see if anything could be done, during the meeting Member TUCKFIELD offered a concept. Mr. Meagher stated that Hall Road being a major road with eight lanes and a wide median may actually warrant some consideration. Mr. Meagher said this may not be warranted on most roads, but Hall Road definitely warrants modification from the standard sign ordinance. He then informed the Commission that he would like to bring them drafts to review. Member KRZEMINSKI suggested that it's like a living document and should be looked at and updated on an annual basis.

#### **PLANNING COMMISSION COMMENTS**

Member SCIUTO mentioned that awhile back the Commission discussed the topic of billboards on Hall Road and in reading the Planning Magazine it stated that certain communities had different sizes for their billboards. He mentioned he read that the sign companies are now stating that they were being penalized for the size of the billboards. Member SCIUTO mentioned the only place that there would be a problem would be on Hall Road. Member SCIUTO asked if there was anything in place for billboards and feels that this is something the Commission needs to review. Mr. Meagher stated in the ordinance now it states that billboards are strictly prohibited and was not sure the ordinance would be a hundred percent defensible. Member TUCKFIELD asked if that could be an issue with the recent free speech rulings. Mr. Meagher stated there is the real issue with the Supreme Court case and even with

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the Outdoor Advertising Act, this is something that should be looked at and the Township should make sure they're on firm ground. Mr. Meagher stated he would consult with Mr. Esordi before he presents something to the Commission.

Member TUCKFIELD informed the Commission that he had been reading online that there may be an more people in attendance at the next meeting with regards to the request for a rezoning of Wolverine Country Club Estates. Member TUCKFIELD said he believes that the petitioner wants to rezone the property to R-2-L and asked Mr. Meagher too briefly explain the R-2-L zoning. Mr. Meagher said that is the lowest multi-density, and typically what would be expected in that zoning would be a duplex or fourplex and the densities are much lower than R-2.

**ADJOURNMENT**

**MOTION by PROVENZANO seconded by HARDY to adjourn the Planning Commission meeting at 8:06 p.m.**

**MOTION carried.**

Respectfully submitted,

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Charles Oliver, Chairman

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Aaron Tuckfield  
Acting Planning Commission Secretary